

Thank you – Mr. President.

Your decision today to exit the Paris Accord reflects your **unflinching commitment** to put the **American people first**.

Please know that I am thankful for your **fortitude** – **courage** – and **steadfastness** as you serve and lead the American people.

You have promised to put **America First** in all aspects of your Administration.

And you have done that in any number of ways—

From trade – to national security – to right-sizing government here in Washington.

Today – you have put **America First** with regard to international agreements and the environment.

We as a Nation do it better than anyone in the World in striking the balance between **growing jobs** and our **economy** –

While also being good stewards of our environment.

We owe **no apologies** to other nations for our environmental stewardship.

The Paris Accord had nothing to do with climate or the environment.

It had everything to do with putting the United States at an economic disadvantage.

After all – before the Paris Accord was ever signed – America had reduced its CO2 footprint to levels of the early 1990s.

In fact – between the years 2000 and 2014 – the United States reduced its per capita energy-related carbon emissions by 18.1 percent.

This was accomplished largely by American innovation and technology from the private sector rather than government mandate.

For that reason – you have corrected a view that was paramount in Paris –

That somehow the United States should penalize its economy – lead with our chin – while the rest of the world does little.

Other Nations talk a good game –

We lead with action – not words.

Our efforts should be on exporting our technology and innovation to Nations who seek to reduce their CO2 footprint –to learn from us.

That should be our focus versus agreeing to unachievable targets that harm our economy and the American people.

Mr. President – **it takes courage and commitment to say no to the plaudits of men while doing what's right by the American people.**

You have that courage –

And the **American people can take comfort because you have their back.**

Message

From: Ferguson, Lincoln [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08CD7F82606244DE96B61B96681C46DE-FERGUSON, L]
Sent: 6/1/2017 2:35:44 PM
To: Ferguson, Lincoln [ferguson.lincoln@epa.gov]
Attachments: SP Paris.docx; SP SPEECH 6-1-17.docx

Lincoln Ferguson

Senior Advisor to the Administrator
Office of Public Affairs
U.S. EPA
(202) 564-1935

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You have promised to put America First in all aspects of your Administration. And you have done that in any number of ways, from trade, to national security, to protecting our border, to right-sizing government here in Washington.

Today, you have put America First with regard to international agreements and the environment.

We as a Nation do it better than anyone in the World in striking the balance between growing jobs and our economy while also being a good steward of our environment. We owe no apologies to other nations for our environmental stewardship.

The Paris Accord had nothing to do with climate or the environment. It had everything to do with putting the United States at an economic disadvantage.

After all, before the Paris Accord was ever signed, America had reduced its CO2 footprint to levels of the early 1990s. In fact, between the years 2000 and 2014, the United States reduced its carbon emissions by more than 18 percent. And, this was accomplished largely by American innovation and technology from the private sector rather than government mandate.

For that reason, you have corrected a view that was paramount in Paris, that somehow the United States should penalize its economy, lead with our chin, while the rest of the world does little. Other Nations talk a good game, we lead with action, not words.

Our efforts should be on exporting our technology and innovation to Nations who seek to reduce their CO2 footprint, to learn from us. That should be our focus versus agreeing to unachievable targets that harm our economy and the American people.

Mr. President, it takes courage and commitment to say no to the plaudits of men while doing what's right by the American people. You have that courage and the American people can take comfort because you have their back.

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Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 4/1/2017 2:55:29 PM
To: Freire, JP [Freire.JP@epa.gov]
Subject: UPDATED This Week Talkers 4-2-17.docx
Attachments: This Week Talkers 4-2-17.docx

I updated the talking points for tomorrow with our statement on the OIR investigation. I don't know if you want to put this in there or not, but it's worth noting that the Union of Concerned Scientists are NOT non-partisan, but an environmental activist group: <https://www.activistfacts.com/organizations/145-union-of-concerned-scientists/>

Interview: Fox News Sunday, April 2, 2017

0:00 am CST – LIVE

KTUL Studios – Tulsa

Information: Any additional information the Administrator needs to know can go here (who he is leading up to or following/specific topics requested etc.)

Energy Independence EO

- President Donald Trump signed the Energy Independence Executive Order to protect thousands of jobs and strengthen energy security, while also ensuring that our policies provide clean air and clean water for all of our citizens.
- The Energy Independence Executive Order directs agencies responsible for regulating domestic energy production to submit plans to the White House, which will identify, and propose measures to revise or rescind, regulatory barriers that impede progress towards energy independence. Moreover, the Order rescinds several Obama executive orders and policies related to climate change.
- Following the EO, I signed four notices to pull back and review major, economically significant, burdensome rules the last Administration issued: the Clean Power Plan, and its related federal implementation plan, the greenhouse gas rule for new power plants and an unnecessary, overly burdensome rule to curb methane emissions from oil and gas producers.

Clean Power Plan

- The Clean Power Plan is former President Barack Obama's most disingenuous environmental initiative and is the key component of his agenda regarding climate change.
- The CPP will cost \$292 billion to our nation's economy over 10 years and will cause double-digit electricity price increase in 40 states, yet will have no impact on climate change.

- According to a recent study, the Clean Power Plan kills over 125,000 American jobs.
- Using the Obama EPA's own data, the Clean Power Plan will result in less than 0.2% reduction in CO2 worldwide and will only prevent sea level rise that is equivalent to the thickness of two sheets of paper.
- In a highly unusual move, the Supreme Court halted implementation of the Clean Power Plan, because they have serious concerns about the EPA's authority to impose the Clean Power Plan. It's worth noting that never before has the Supreme Court halted an EPA regulation before a federal appeals court.
 - Additionally, liberal scholar Laurence Tribe – who was Barack Obama's constitutional law professor at Harvard – questioned the EPA's authority on the Clean Power Plan.
- The Clean Power Plan is being challenged by over 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and 3 labor unions.
- A bipartisan majority of Congress rejected the Clean Power Plan with passage of a Congressional Review Act last December, which was vetoed by President Obama.

The Clean Power Plan case is currently in the D.C. Circuit. 34 Senators and 171 House members filed an Amicus Brief in the DC Circuit arguing that it's illegal.

RMP

- The implementation of the RMP Amendments has been further delayed until February, 2019, to give EPA more time to evaluate the objections raised by multiple petitioners and consider other issues that may benefit from public input.
- EPA wants to ensure that any expansion of the RMP program is necessary to make chemical facilities safer, and doesn't subject facilities to even more burdensome, duplicative and needless regulation.

- And, we want to ensure that all provisions in the RMP Amendments are in accordance with the explicit mandate granted to EPA by Congress in the Clean Air Act Amendments of 1990.
- Petitions critical of the RMP Rule Amendments have said that the new requirements do not provide any benefit for prevention of accidental releases or accident responses. And, that the disclosure of some of the information, mandated by the Rule, could actually lead to an increased risk of intentional release by those who aim to do the country harm.

PESTICIDE (CHLORPYRIFOS)

- Prior to President Trump’s administration, the EPA was considering a ban on a widely used pesticide, Chlorpyrifos (**chlor-peer-i-fohs**), a move that would have hurt American agriculture. We need to keep our farms strong.
- We denied a petition from the NRDC and the Pesticide Action Network North America, which was asking EPA to “revoke the tolerances” that were in place for the pesticide.
- So, essentially, what we did was reverse the previous Administration’s steps to ban one of the most widely-used pesticides in the world because there was never enough science to justify the ban.
- This is an example of our fight against bad regulations based on shaky science. This decision was made by looking at the sound science, rather than what the previous Administration did – which was rely on certain studies to justify and rationalize their desire to ban this pesticide.
- EPA was never in a place to grant the NRDC petition, and it had been criticized by well-respected groups, including the USDA, the National Council of State Departments of Agriculture, and a federal advisory committee that provided guidance to the previous Administrator about pesticide issues (FIFRA SAP)
- Additionally, several of our trading partners, including Israel and Canada have raised concerns regarding the serious implications granting the petition would have for trade.

CAFE STANDARDS

- We are revisiting the Obama Administration era rule that finalized standards to significantly increase fuel economy to 54.5 mpg for cars and light-duty trucks by Model Year 2015.
- These standards are costly for automakers and the American people. We will work with our partners at the Department of Transportation to take a fresh look to determine if this approach is realistic. This thorough review will help ensure that this national program is good for consumers and good for the environment.
- The Midterm Evaluation process that is being revisited today, was established as a part of the 2012 final greenhouse gas emissions standards for model years 2017-2025. This requires EPA to determine no later than April 1, 2018, whether the 2022-2025 standards established are appropriate. Our recent actions will ensure that deadline is met.
- If we find that the final determination issued by the previous administration is not realistic, it would submit a new proposal for public comment.

WOTUS

- President Donald Trump's Waters of the U.S. Executive Order directs the EPA and the Army Corps of Engineers to review and then rescind or revise the rule.
- EPA intends to review WOTUS, and then to propose a new rule that will rescind or revise that rule. The President's action today preserves a federal role in protecting water, but it also restores the states' important role in the regulation of water.

EPA Scientific Integrity Office investigation

- We should be having a candid dialogue about climate science and the need for commonsense regulations that will protect our environment, without creating unnecessary regulatory burdens that kill jobs.

- Differing views and opinions on scientific and technical matters is a legitimate and necessary part of EPA's decision-making process, which is consistent with EPA's Scientific Integrity Policy that was in place even during the Obama administration.
- We are going to remain focused on President Trump's goal of returning the Agency to its core mission of partnering with our states to protect our nation's air, land, and water.

EPA EMAIL 'SNAFU'

- An internal draft was mistakenly sent with a quote that belonged to Senator Carper but was wrongly attributed to Senator Capito, whom we originally meant to quote.
- Senator Capito, who is a strong supporter of the President, actually said that "President Trump kept his promise to roll back one of the most harmful acts of overreach by the Obama Administration . . . if it was implemented, the Clean Power Plan would have completely decimated West Virginia's vital coal industry."

CO2/Climate Change Comments

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- I made it clear that I believe the climate is changing and that humans have some level of effect on climate change but there remains debate on causes and effect.

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- Again, I feel strongly that there is legitimate and ongoing debate around the issue of climate change, and that is a debate that should be occurring.

EPA BUDGET

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- The budget process is just that, a process. We're at the beginning of the process and I suspect the end will look different than the beginning.
- The blueprint's overarching goal is about prioritizing border security, veterans' health care, and school choice, and easing regulatory burdens.
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EXIT:

- EPA like every other agency in the federal government is going to be asked to tighten its belt – it was part of President Trump's campaign promise and it I believe it is something the American people want to see: less government spending.
- We are going to be more fiscally responsible but still conduct our mission to protect clean air, water and land...period.

EMAILS/Ethics Complaint

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- It's important to point out one thing:
 - We've provided unprecedented access into our lives.
 - Over six hours of testimony
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- In regards to the ethics complaint: check the source of where it coming from.
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If asked: Did you or did you not use your personal email for official business as Attorney General?

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Possible Senate Run

- I find it humorous, I'm one month into the job and people are already discussing what's next.
- I can assure you my focus right now is solely on bringing the EPA back to its original mission and there is much work to be done.
- I do not have the time to be focused on anything else at this point, and as far as I'm concerned, Sen. Inhofe has showed no signs of slowing down.

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 3/31/2017 10:08:19 PM
To: Freire, JP [Freire.JP@epa.gov]
CC: Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Konkus, John [konkus.john@epa.gov]
Subject: This Week Talkers 4-2-17.docx
Attachments: This Week Talkers 4-2-17.docx

Attached, please find this weeks' talking points, which should help on the Sunday interview. The highlighted sections are "new" from last week. Please double check them/this document before passing it to the Administrator. Thank you – Liz

Interview: Fox News Sunday, April 2, 2017

8:15am CST – LIVE

KTUL Studios – Tulsa

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Message

From: Graham, Amy [graham.amy@epa.gov]
Sent: 7/19/2017 3:05:08 AM
To: Ex. 5 A Graham personal email
Subject: Fwd: WCCO-TV and WCCO-Radio Briefs
Attachments: 07.19.17 - WCCO-TV Brief.asd.docx; ATT00001.htm; 07.19.17 - WCCO-Radio Brief.asd.docx; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Date: July 17, 2017 at 12:39:59 PM CDT
To: "Morris, Madeline" <morris.madeline@epa.gov>, "Hupp, Millan" <hupp.millan@epa.gov>, "McMurray, Forrest" <mcmurray.forrest@epa.gov>
Cc: "Bowman, Liz" <Bowman.Liz@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>
Subject: WCCO-TV and WCCO-Radio Briefs

From: Wilcox, Jahan
Sent: Monday, July 17, 2017 12:56 PM
To: Morris, Madeline <morris.madeline@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: JULY 19: Star Tribune Brief

Attached is the brief for the Minneapolis Star Tribune's Interview

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

On-The-Record Interview with WCCO-AM Dave Lee
Wednesday, July 19, 2017 at 7:20 AM – 7:29 AM
625 2nd Ave S Ste 200. Minneapolis, MN

Location: WCCO-AM: 625 2nd Ave S Ste 200. Minneapolis, MN

Reporter: Dave Lee

Outlet: WCCO-AM (Minnesota's top rated radio station for news and sports)

Topics: Visit to Minnesota, EPA's Back to Basics Agenda, WOTUS

About WCCO-AM & Dave Lee:

WCCO was the top-rated station in the Twin Cities and can be heard throughout Minnesota, Wisconsin, North Dakota, South Dakota and northern Iowa. For several years, WCCO has hosted a weekly radio show with the governor of Minnesota. Former governor Jesse Ventura had a show while in office, and successor Tim Pawlenty followed suit.

Dave Lee is the popular, long-time host of The Morning News on WCCO Radio. Dave has been with WCCO Radio for more than 25 years, nominated as one of the Top 5 Major Market Morning Hosts nationwide.

Anticipated Questions:

- What is the purpose of your trip to Minnesota and why is WOTUS important to Minnesotans?
- What is the Trump Administration's vision to protect the environment?

Recent Coverage:

Federal water rules are too costly for Minnesota counties. "At the end of May, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers published the long-awaited final rule on 'Definition of Waters in the U.S.' — 'WOTUS' for short — as an amendment to the Clean Water Act. While the efforts of these agencies are appreciated, county governments are disappointed with the final result. Minnesota counties are concerned that the new WOTUS rule increases the scope of the authority of the EPA and the Army Corps — adding costly regulations and excessive federal government overreach — and that it will greatly affect county governments in southern Minnesota and across the state." ([HYPERLINK "http://www.startribune.com/federal-water-rules-are-too-costly-for-minnesota-counties/316368071/"], 07/17/15)

After Trump announcement, Minnesota will proceed with its own climate change strategy. "No matter the Paris Climate Agreement, Minnesota officials said Thursday that the state's march to reducing greenhouse gas emissions will go on. With a plan adopted in 2007, the state has been a national leader in pursuing an aggressive plan to reduce emissions of the chemicals that cause climate change. And though Minnesota has missed its targets in recent years, President Trump's controversial decision to pull the United States out of the global climate deal struck last year won't change what has been slow and steady progress, state environmental

officials said Thursday.” ([HYPERLINK "http://www.startribune.com/minnesota-will-proceed-with-its-own-climate-change-strategy/425826963/"], 06/02/17)

Federal water rules are too costly for Minnesota counties

We ask our senators to help rewrite these inconsistent, overreaching regulations.

Op-Ed - Chris Shoff

The Minneapolis Star Tribune

July 17, 2015

[HYPERLINK "http://www.startribune.com/federal-water-rules-are-too-costly-for-minnesota-counties/316368071/"]

At the end of May, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers published the long-awaited final rule on “Definition of Waters in the U.S.” — “WOTUS” for short — as an amendment to the Clean Water Act. While the efforts of these agencies are appreciated, county governments are disappointed with the final result.

Minnesota counties are concerned that the new WOTUS rule increases the scope of the authority of the EPA and the Army Corps — adding costly regulations and excessive federal government overreach — and that it will greatly affect county governments in southern Minnesota and across the state.

Currently, local and county governments maintain public safety infrastructure around roads and bridges that keep rising water away from citizens and their property. Local governments use a variety of methods to do this, including flood control channels, roadside ditches and green infrastructure.

The final WOTUS rule would expand the current definition of what waters fall under federal jurisdiction. Counties and local governments would be directly affected, particularly through their legal responsibility to maintain those public safety ditches and infrastructure.

By increasing the number of county-owned ditches under federal jurisdiction, the proposed rule could significantly increase the need for new permits in order to clean vegetation or debris out of ditches. The process for receiving those permits is time-consuming and expensive, adding extensive cost and delay to transportation and other infrastructure projects.

The resulting rule is also poorly written, with vague guidance provided for various water bodies, such as whether drainage ditches are considered waters of the U.S. The lack of clarity in terminology is almost certain to result in litigation, adding additional costs and further delays for critical infrastructure projects.

This rule represents just one of many programs that would affect local governments, as well as farmers and other property owners, through unnecessary, complex, and costly regulations and requirements. Added costs for county governments would mean added costs for taxpayers. We are all concerned about clean water for our families and communities, but the additional costs should come with assurances of better environmental outcomes.

In a previous vote, Minnesota's U.S. Sen. Amy Klobuchar supported counties and taxpayers when she voted in favor of Senate Amendment 347 during consideration of the Senate budget. We thank Sen. Klobuchar for standing with counties across Minnesota and now ask for her support again, along with that of Sen. Al Franken, to back the Federal Water Quality Protection Act and any other legislation that would prevent this rule from taking effect at the end of August.

The Association of Minnesota Counties feels strongly that the WOTUS rule should be rewritten to prevent inconsistent and overreaching regulations. We ask Klobuchar and Franken to help counties across Minnesota by restarting the rule-making process to provide the clarity needed at the ground level for counties to effectively implement this rule and protect our valuable water resources.

Chris Shoff is a Freeborn County commissioner and president of the Association of Minnesota Counties.

After Trump announcement, Minnesota will proceed with its own climate change strategy

With a plan adopted in 2007, the state has been a national leader in pursuing an aggressive plan to reduce emissions.

June 2, 2017

The Minneapolis Star-Tribune

[[HYPERLINK "http://www.startribune.com/minnesota-will-proceed-with-its-own-climate-change-strategy/425826963/"](http://www.startribune.com/minnesota-will-proceed-with-its-own-climate-change-strategy/425826963/)]

No matter the Paris Climate Agreement, Minnesota officials said Thursday that the state's march to reducing greenhouse gas emissions will go on.

With a plan adopted in 2007, the state has been a national leader in pursuing an aggressive plan to reduce emissions of the chemicals that cause climate change. And though Minnesota has missed its targets in recent years, President Trump's controversial decision to pull the United States out of the global climate deal struck last year won't change what has been slow and steady progress, state environmental officials said Thursday. The president's decision does, however, put future climate change leadership squarely in the hands of state and local governments rather than in Washington, D.C.

"As damaging as this decision will be, it will not deter our efforts here in -Minnesota," said Gov. Mark Dayton, echoing the reaction of many of the state's elected officials. "We will show the world what we can achieve by working together to conserve energy, to use cleaner and renewable energy, and to leave a livable planet to our children and grandchildren."

In effect, Thursday's announcement means that instead of following the lead of the federal government, the state will look to local communities to tackle climate change, state officials said.

"It's now going to be bottom up," said David Thornton, an assistant commissioner at the Minnesota Pollution Control Agency.

Dayton was one of 12 governors who beseeched Trump in a letter to not pull out of the Paris Accord, which called for the United States to reduce its greenhouse gas emissions by 26 to 28 percent by 2025.

The Paris targets are actually less ambitious than those of the Next Generation Energy Act, signed by former Gov. Tim Pawlenty in 2007, which calls for a 30 percent reduction by 2025, and 80 percent by 2050.

Since then Minnesota has required utilities to increase their use of alternative energy sources, and it has tracked greenhouse gas reductions by sectors such as electricity, industry, agriculture, transportation and residential.

Minnesota has fallen behind: It was supposed to achieve a 15 percent reduction between 2005 and 2015. As of 2014, carbon and other gases produced in Minnesota had declined only 4 percent, or 6.5 million tons of carbon per year. The vast majority of the progress came from the electric utility industry, which has reduced carbon emissions by about 21 percent by cutting out coal in favor of natural gas and adding alternative sources like wind and solar, and increasing energy efficiencies.

The next largest source of reductions, about a quarter of the total, comes from gas and diesel burning cars and trucks. Those emissions have dropped by 7 percent since 2005, largely because higher federal efficiency standards, and biofuels like ethanol. But, like many Americans, Minnesotans like large cars and SUVs, and light-duty trucks now outnumber passenger vehicles.

But state officials and climate change advocates are optimistic that will change in the next decade as prices on electric cars come down and their utility rises.

“As people get more comfortable with how to use electric transportation there are significant benefits,” including lower energy costs and less maintenance, said Mike Bull, director of policy for the Center for Energy and Environment. “Once we get more comfortable with range anxiety [the driving limit for rechargeable vehicles] they will sell themselves.”

The downward trends have occurred even while the state’s population and economy grew. Since 1997, the amount of greenhouse gases produced per person in Minnesota has dropped by about 10 percent, according to a recent report to the Legislature.

Now, economics will help continue the trend, especially in energy production. Utilities across the country are turning to cheaper natural gas and alternative sources. And adding energy efficiencies in production, cars and buildings is much cheaper than building a new energy supply, Bull said.

Minnesota’s climate change goals also have the support of many of the state’s corporate leaders, who fear that Trump’s decision to pull out of the global accord could hurt them financially.

Cargill’s CEO David MacLennan was one of many top corporate executives who advocated sticking with the Paris Accord.

“We have no intention of backing away from our efforts to address climate change in the food and agriculture supply chains around the world,” he said in a statement Thursday afternoon. “And in fact this will inspire us to work even harder.”

**On-The-Record Interview with WCCO-TV This Morning
Wednesday, July 19, 2017 at 6:03 AM – 6:11 AM
90 S 11th Street, Minneapolis, MN 55403 (door off Marquette Ave)**

Location: WCCO-TV: 90 S 11th Street, Minneapolis, MN 55403

Reporter: Jennifer Mayerle

Outlet: WCCO-TV

Topics: Visit to Minnesota, EPA's Back to Basics Agenda, WOTUS

About WCCO-TV:

WCCO is the top-rated television station in the Twin Cities and their morning show is the top rated morning show in Minnesota. They are affiliated with CBS News.

Anticipated Questions:

- What is the purpose of your trip to Minnesota and why is WOTUS important to Minnesotans?
- What is the Trump Administration's vision to protect the environment?
- Why did the EPA pressure a Minnesota scientist to change her testimony? (Doubtful this question is asked, but something we need to be ready for).

Topline Talking Point:

- The previous administration was so focused on their activist agenda, that they literally ignored the looming lead crisis in Flint, Michigan for over a year. In Colorado, the EPA destroyed a river through the Gold King Mine explosion. Finally, under the Obama Administration, we had more Superfund sites – which are toxic land sites – when he took office then when he left. This administration is actually committed to protecting the environment and American jobs.

Recent Coverage:

CBS and WCCO morning shows are ratings gold in Twin Cities. "Not only is 'WCCO Morning Show' now the top-rated wake-up program in the Twin Cities, but 'CBS This Morning' also has ascended to No. 1 in the Twin Cities for the first time in recent memory." ([[HYPERLINK "http://www.startribune.com/cbs-and-wcco-morning-shows-are-ratings-gold-in-twin-cities/250393321/"](http://www.startribune.com/cbs-and-wcco-morning-shows-are-ratings-gold-in-twin-cities/250393321/)], 03/16/14)

Federal water rules are too costly for Minnesota counties. "Minnesota counties are concerned that the new WOTUS rule increases the scope of the authority of the EPA and the Army Corps — adding costly regulations and excessive federal government overreach — and that it will greatly affect county governments in southern Minnesota and across the state." ([[HYPERLINK "http://www.startribune.com/federal-water-rules-are-too-costly-for-minnesota-counties/316368071/"](http://www.startribune.com/federal-water-rules-are-too-costly-for-minnesota-counties/316368071/)], 07/17/15)

Minnesota Scientist Says EPA Pressured Her To Change Testimony. "A Minnesota scientist who leads an Environmental Protection Agency scientific advisory board says she was pressured by

the agency's chief of staff to change her testimony before Congress to downplay the Trump administration's decision not to reappoint half of the board's members." ([HYPERLINK "http://minnesota.cbslocal.com/2017/06/28/minn-scientist-says-epa-pressured-her/"], 06/28/17)

Federal water rules are too costly for Minnesota counties

We ask our senators to help rewrite these inconsistent, overreaching regulations.

Op-Ed - Chris Shoff

The Minneapolis Star Tribune

July 17, 2015

[HYPERLINK "http://www.startribune.com/federal-water-rules-are-too-costly-for-minnesota-counties/316368071/"]

At the end of May, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers published the long-awaited final rule on "Definition of Waters in the U.S." — "WOTUS" for short — as an amendment to the Clean Water Act. While the efforts of these agencies are appreciated, county governments are disappointed with the final result.

Minnesota counties are concerned that the new WOTUS rule increases the scope of the authority of the EPA and the Army Corps — adding costly regulations and excessive federal government overreach — and that it will greatly affect county governments in southern Minnesota and across the state.

Currently, local and county governments maintain public safety infrastructure around roads and bridges that keep rising water away from citizens and their property. Local governments use a variety of methods to do this, including flood control channels, roadside ditches and green infrastructure.

The final WOTUS rule would expand the current definition of what waters fall under federal jurisdiction. Counties and local governments would be directly affected, particularly through their legal responsibility to maintain those public safety ditches and infrastructure.

By increasing the number of county-owned ditches under federal jurisdiction, the proposed rule could significantly increase the need for new permits in order to clean vegetation or debris out of ditches. The process for receiving those permits is time-consuming and expensive, adding extensive cost and delay to transportation and other infrastructure projects.

The resulting rule is also poorly written, with vague guidance provided for various water bodies, such as whether drainage ditches are considered waters of the U.S. The lack of clarity in terminology is almost certain to result in litigation, adding additional costs and further delays for critical infrastructure projects.

This rule represents just one of many programs that would affect local governments, as well as farmers and other property owners, through unnecessary, complex, and costly regulations and requirements. Added costs for county governments would mean added costs for taxpayers. We

are all concerned about clean water for our families and communities, but the additional costs should come with assurances of better environmental outcomes.

In a previous vote, Minnesota's U.S. Sen. Amy Klobuchar supported counties and taxpayers when she voted in favor of Senate Amendment 347 during consideration of the Senate budget. We thank Sen. Klobuchar for standing with counties across Minnesota and now ask for her support again, along with that of Sen. Al Franken, to back the Federal Water Quality Protection Act and any other legislation that would prevent this rule from taking effect at the end of August.

The Association of Minnesota Counties feels strongly that the WOTUS rule should be rewritten to prevent inconsistent and overreaching regulations. We ask Klobuchar and Franken to help counties across Minnesota by restarting the rule-making process to provide the clarity needed at the ground level for counties to effectively implement this rule and protect our valuable water resources.

Chris Shoff is a Freeborn County commissioner and president of the Association of Minnesota Counties.

Minn. Scientist Says EPA Pressured Her To Change Testimony

The Associated Press

June 28, 2017

[HYPERLINK "<http://minnesota.cbslocal.com/2017/06/28/minn-scientist-says-epa-pressured-her/>"]

A Minnesota scientist who leads an Environmental Protection Agency scientific advisory board says she was pressured by the agency's chief of staff to change her testimony before Congress to downplay the Trump administration's decision not to reappoint half of the board's members.

Emails show that EPA Chief of Staff Ryan Jackson asked Deborah Swackhamer, an environmental chemist who recently retired from the University of Minnesota, to stick to the agency's stance that the decision on appointments had not yet been made.

Now Democratic leaders of the House Science Committee have asked EPA Inspector General Arthur Elkins to investigate Jackson's actions, which they say were "inappropriate and may have violated federal regulations" that ensure a citizen's right to communicate with Congress.

Democrats on the panel invited Swackhamer to testify at a May 23 hearing. She chairs the EPA's Board of Scientific Counselors, but stressed that she was speaking solely as a science and policy expert, not on behalf of the EPA.

In her testimony, she noted that EPA Administrator Scott Pruitt did not renew half of the board's 18 executive committee members for second terms, and that an agency spokesman cited a need for more representation from industry. She said that decision "may lead to the perception that science is being politicized and marginalized within EPA." Any appointees "from the regulated community must be esteemed scientists with no conflict of interest," she added.

Jackson sent Swackhamer two emails the day before the hearing — after she had already submitted her embargoed testimony — with a page of official talking points meant to counter "stories in the newspapers" about the appointments. He said that decision "has not yet been made," underlining that phrase for emphasis.

Swackhamer did not immediately reply to a request for comment from The Associated Press on Wednesday. But she told the New York Times she felt "stunned" and "bullied" by Jackson's effort to get her to change her testimony. And she told Minnesota Public Radio on Wednesday that she's been speaking out because the appointments are a symptom of "the erosion of the value of science at EPA and throughout the rest of the federal government."

Board members typically are top academic experts tasked with helping to ensure that the agency's scientists follow established best practices for the integrity of its science. Experts are limited to two terms, but Swackhamer has said members finishing their first terms typically got reappointed before.

Three Democratic leaders on the committee — Reps. Eddie Bernice Johnson, of Texas, Suzanne Bonamici, of Oregon, and Donald Beyer, of Virginia — wrote to the EPA’s inspector general this week to demand an investigation. Countering Jackson’s claim, they said the EPA’s acting assistant administrator for research and development, Robert Kavlock, had been informed two weeks earlier, apparently by Pruitt’s office, that a decision had been made not to renew the nine board members’ appointments.

In a separate letter to Pruitt, the Democrats said they were “deeply troubled about the possible attempts to interfere with Dr. Swackhamer’s testimony to Congress. Dr. Swackhamer’s key message in her testimony was that politics should not be used to undermine science, and she delivered this message while EPA faced accusations of doing exactly that.”

The Republican chairman of the committee, Rep. Lamar Smith, R-Texas, issued a statement Wednesday defending the EPA, saying the agency was just performing “due diligence” to ensure that Swackhamer’s testimony was accurate. The committee also released the emails in question, including Kavlock’s email to the affected board members informing them that their appointments would not be renewed.

Message

From: Graham, Amy [graham.amy@epa.gov]
Sent: 7/19/2017 3:03:34 AM
To: Ex. 5 A Graham personal email
Subject: Fwd: Talking Points: Minnesota
Attachments: WOTUS TOUR MINNESOTA.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: July 17, 2017 at 11:20:29 AM CDT
To: "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Letendre, Daisy" <letendre.daisy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Hewitt, James" <hewitt.james@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>
Subject: Talking Points: Minnesota

Being added to binder now

WOTUS TOUR: MINNEAPOLIS, MINNESOTA

WOTUS Tour: *Salt Lake City, Utah à Minneapolis, Minnesota à Little Rock, Arkansas*

WOTUS TOUR TOPLINE MESSAGES

- Reviewing WOTUS is a top priority for this Administration.
- This is the first step in the two-step process to redefine 'waters of the U.S.'
- We are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative.
- EPA and the Administration are committed to keeping waters pollution free, promoting economic growth and minimizing regulatory uncertainty for Congress, state, local and tribal governments; as well as farmers, ranchers and property owners.
- The 2015 definition developed by the Obama Administration in the Clean Water Rule created regulatory uncertainty, threatened economic growth and did not make our water any cleaner.

WOTUS & MINNESOTA

- The Minnesota Farm Bureau (MFBF) believes the 2015 rule would make remote landscape features that carry only minor volumes of water (if any) or only carry water after a weather event, subject to the Clean Water Act jurisdiction, including ditches and ephemeral drainages.
- The Minnesota Farm Bureau says the 2015 rule uses the unclear concept of ordinary high water mark, as well as bed and bank, as the key identifiers for tributaries.
- 13 county Farm Bureaus in Minnesota also submitted comments, nearly 500 comments were submitted by members in response to calls to action by MFBF and 1,800 signatures from Minnesotans were delivered to EPA opposing the rule.
- The ag industry in Minnesota provides more than 340,000 jobs for Minnesotans. Altogether, the industry contributes \$75 billion to the state's economy annually.^[3]
- In Minnesota, 38 percent of stream miles within native trout historical range are classified as intermittent or ephemeral. 59 percent of stream miles are in headwater streams. In the Whitewater River basin, 74 percent of streams are intermittent while 60 percent are headwaters.^[4]

^[3] Minnesota Dept. of Agriculture via [[HYPERLINK "http://www.farmflavor.com/minnesota-agriculture/"](http://www.farmflavor.com/minnesota-agriculture/)]

^[4] Trout Unlimited via US Geological Survey [[HYPERLINK "http://www.tu.org/sites/default/files/minnesota_wotus.pdf"](http://www.tu.org/sites/default/files/minnesota_wotus.pdf)]

CERCLA & 108 (b) HARDROCK MINING FINANCIAL ASSURANCE RULE & MINNESOTA

- We will meet the court deadline of December 1, and take final action by that time.
- I take seriously the concerns that have been raised by our state partners that the proposal is unnecessary and could pre-empt state programs. EPA needs to take into account the work that states are already doing to protect the environment from releases mining facilities, and I have no interest in pre-empting state programs.
- As we move forward, we will be taking into account comments that discuss the unique circumstances of each state – whether it's the strength of existing financial assurance and reclamation rules in states like Nevada to the geology and mining operations that might be unique to a state like Minnesota.

PARIS & MINNESOTA

- Governor Mark Dayton signed onto the U.S. Climate Alliance, a coalition launched after Trump announced that he plans to withdraw the United States from Paris.
- The alliance suggests that in the U.S. the fight against global warming will come from local governments, academia and industry.
- The alliance was formed by Governors Jay Inslee of Washington, Andrew Cuomo of New York and Edmund Brown Jr. of California — states that have their own carbon-reduction strategies.
- Minnesota is one of 10 additional states that signed on, pledging to reduce emissions 26 to 28 percent from 2005 levels.
- Two Republican Governors – Charlie Baker (MA) and Phil Scott (VT) have signed.

CERCLA 108 & MINNESOTA

- I take seriously the concerns that have been raised by our state partners that the proposal is unnecessary and could pre-empt state programs.
- We agree that EPA needs to take into account the work that states are already doing to protect the environment from releases mining facilities, and I have no interest in pre-empting state programs.
- As we move forward, we will be taking into account comments that discuss the unique circumstances of each state – whether it's the strength of existing financial assurance and reclamation rules in states like Nevada to the geology and mining operations that might be unique to a state like Minnesota.
- The comment period closed on July 11, and we received more than 10,000 comments. We are in the process of evaluating them but it looks like we received a lot of thoughtful comments that will guide us.
- EPA is under a court obligation to take final action by December 1, and I have directed my staff that we will meet that deadline.

Message

From: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Sent: 8/1/2017 7:06:54 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: Fwd: Talking Points

Sent from my iPhone

Begin forwarded message:

From: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Date: August 1, 2017 at 11:35:00 AM EDT
To: "Traylor, Patrick" <traylor.patrick@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Subject: RE: Talking Points

Hi Patrick,

Below are some general TPs that give you a sense of where we are in the process. Please let me know if this is what you're looking for or if you need something more/less/different.

Thanks so much!

-Andrea-

WOTUS

EPA and the Department of the Army are in the process of reviewing and revising the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process.

The February 28, 2017 Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

The E.O. directs that EPA and the Army "shall consider interpreting the term 'navigable waters'" in a manner "consistent with Justice Scalia's opinion" in *Rapanos*. Justice Scalia's opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

Step One

On June 27, the agencies signed the step one proposed rule and it was published in the Federal Register on July 27th. EPA and the Army are holding a 32-day public comment period, which will close on August 28th. We are very eager to hear any comments that you have on the step one rulemaking.

The proposed rule is an interim step that would re-codify the regulatory text that existed prior to 2015, providing regulatory continuity and certainty pending a forthcoming second rulemaking in which the agencies will revise the definition of “waters of the United States” in accordance with the Executive Order.

To be clear, when final, this action would not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance, and longstanding practice.

More information regarding step one can be found on our website at www.epa.gov/wotus-rule.

Step Two

In addition to step one, the agencies have also begun working on the step two rulemaking to revise the definition of “waters of the U.S.” In late April we initiated consultations with state and local governments and with tribes and we are now in the process of reviewing and analyzing the more than 150 comments received under federalism. Some of the key themes we heard from states was an interest in capturing regional differences in the revised definition, including exclusions, and ensuring that any new regulation be very clear.

There has been a lot of interest in the feedback we have received as part of our consultations. Once we have had a chance to fully review this feedback, we plan to post the letters to our website.

In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.

From: Traylor, Patrick
Sent: Tuesday, August 01, 2017 8:39 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: RE: Talking Points

The talking points for the Administrator will be perfect; thanks!

Patrick Traylor
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency
(202) 564-5238 (office)
(202) 809-8796 (cell)

From: Forsgren, Lee
Sent: Tuesday, August 1, 2017 8:34 AM
To: Traylor, Patrick <traylor.patrick@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: RE: Talking Points

Patrick,

We can get you the talking points that we send with the Administrator on WOTUS, if that would be sufficient, this morning. If you need something totally customized I will try to get you something before you leave. Andrea Drinkard or her staff will send them to you directly if that is OK.

Lee

From: Traylor, Patrick
Sent: Tuesday, August 1, 2017 8:28 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Talking Points

All:

I'm giving a speech at the Texas Environmental Superconference this Friday. I'd like to be prepared to answer questions about, or fold into my speech as appropriate, WOTUS, CPP, and clearing out the new chemical backlog/ensuring chemicals have been reviewed for safety.

Please allow me to impose on you by asking for two or three talking points that summarize our approach to the issue(s) that fall under your jurisdiction. If there are already press releases/summaries that have been prepared on these points, I'd be happy to use those.

Best,
Patrick

Patrick Traylor
Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-5238 (office)
(202) 809-8796 (cell)

Message

From: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Sent: 4/12/2018 3:13:39 PM
To: Gray, David [gray.david@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: RE: NOIA Briefing

I added the two words in yellow. I think this will work, I don't think we can speak to the merits at this point. Do you agree?

From: Gray, David
Sent: Thursday, April 12, 2018 11:04 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: NOIA Briefing

How is this – working on one blank

The EPA permit authorizes about 3,000 facilities found over 3 miles offshore on the Outer Continental Shelf to discharge their wastewater while protecting water quality in the Gulf of Mexico. Wastewater frequently includes quantities of drilling fluids, drilling cuttings, deck drainage, sanitary & domestic waste, produced waters, and well treatment, completion and workover fluids. The permit has to be renewed every X years and current permit for the western Gulf was issued on September 19, 2017, with an effective date of October 1, 2017.

From: Drinkard, Andrea
Sent: Thursday, April 12, 2018 9:27 AM
To: Gray, David <gray.david@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: NOIA Briefing

Thanks!! The meeting is at 1:30, so we probably need it by 12 or 12:30 our time to be safe. Thanks so much and let me know if the timing poses any issues.

Hope all is well ☺

From: Gray, David
Sent: Thursday, April 12, 2018 10:25 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: NOIA Briefing

Working on it

Sent from my iPhone

On Apr 12, 2018, at 9:07 AM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

Hi David and Nancy,

Do you guys have any messaging on the permit. I need some more fodder ASAP, per Chris' request below. I was working with Jim Payne (Lee had reached out to him), but I didn't get the messaging from him and am hoping that you have it.

From: Beach, Christopher
Sent: Thursday, April 12, 2018 9:58 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: NOIA Briefing

Lee, thanks again for your help with this. Just so we're all on the same page post briefing, can we add some material to the Region 6 permit issue? I don't think we need much; just some context on why this permit is so important to NOIA and why we think we'll win on the merits. I'll add this info to the two-pager and the Admin's speech card.

Thanks!
Chris

From: Forsgren, Lee
Sent: Wednesday, April 11, 2018 6:54 PM
To: Beach, Christopher <beach.christopher@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: NOIA Briefing

Chris,

Here are the two OW questions.

Q1) In the first year of the Trump administration the Region 6 NPDES permit was issued for the discharges in the Western and part of the Central Gulf of Mexico. The permit was extremely important to NOIA members as they continue to develop offshore energy. The issuance of the permit has been challenged in court, is there an update to the status of the litigation?

Response: [Note: This question refers to the following case which is current litigation: Center for Biological Diversity, Gulf Restoration Network, Louisiana Bucket Brigade v. EPA, US Fifth Circuit Court of Appeals, No. 18-60102. The following statement was prepared in coordination with R6, DOJ, and OGC.]

-

- **I know this case is one that you are tracking closely and while I can't comment on ongoing litigation, I can give you some background.**
 - This is an appeal of EPA's reissuance of a general permit under the Clean Water Act for offshore oil and gas production involving the western part of the outer continental shelf in the Gulf of Mexico.
 - Petitioners have indicated that they are challenging this permit under multiple environmental statutes, including the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act.
 - This is a new appeal and it currently is scheduled to be briefed in June.

Q2) Although not specific to the offshore industry, the Waters of the US regulation will have an effect upon NOIA companies. Could you give us the latest update on the status of the process?

Response:

- EPA and the Department of the Army are working through a two-step process to consider revisions to the definition of "Waters of the United States," consistent with a February 28, 2017, Presidential Executive Order.
 - The first step was to propose to rescind the 2015 rule and recodify the prior regulations.
 - The second step is to propose a new definition of WOTUS.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, the two agencies also finalized a rule at the end of January to change the applicability date of 2015 WOTUS rule to February 6, 2020. This action will provide much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- **Step One:** On June 27, 2017, the agencies proposed a rule to rescind the 2015 rule and re-codify the prior regulations. The agencies are reviewing the more than 650,000 comments received.
- **Step Two:** The agencies are continuing efforts to consider revisions of the definition of "waters of the United States." We will use all of the valuable input we are receiving through the federalism and tribal consultation process and public outreach process as we work to finish our proposed step 2 rulemaking, which we hope to send to OMB soon. We will continue to engage with stakeholders as we move forward.

From: Beach, Christopher
Sent: Wednesday, April 11, 2018 6:01 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: NOIA Briefing

Lee, would it be possible to get those talking points for the NOIA event before the briefing at 9:20am tomorrow? I'd like to combine them with OAR's so we can hand the Administrator a one-pager with all the talkers. I only need a few bullets, nothing lengthy.

Thanks!

Chris

Message

From: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Sent: 4/12/2018 3:28:17 PM
To: Gray, David [gray.david@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: RE: NOIA Briefing

I like the rewrite! I'll get this to Chris and hopefully this one is closed out. I'll let you know if there are any follow ups.

Thanks again!!

From: Gray, David
Sent: Thursday, April 12, 2018 11:27 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: NOIA Briefing

The Outer Continental Shelf NPDES Permit authorizes over 3000 facilities to discharge wastewater 3 miles offshore in the Gulf of Mexico. The type of facilities that apply for coverage under this permit are typically those that are exploration and production companies. EPA's permit allows a simpler and expedited process by which facilities file a notice of intent prior to discharging. The discharges range from well drilling fluids, ship deck drainage to sanitary and domestic waste. This permit is designed to protect offshore waters and at the same time continue exploration activities. The first permit was issued in 1981 and the current permit became effective in October 2017.

From: Gray, David
Sent: Thursday, April 12, 2018 10:04 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: NOIA Briefing

How is this – working on one blank

The EPA permit authorizes about 3,000 facilities found over 3 miles offshore on the Outer Continental Shelf to discharge their wastewater while protecting the Gulf of Mexico. Wastewater frequently includes quantities of drilling fluids, drilling cuttings, deck drainage, sanitary & domestic waste, produced waters, and well treatment, completion and workover fluids. The permit has to be renewed every X years and current permit for the western Gulf was issued on September 19, 2017, with an effective date of October 1, 2017.

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Sent: Thursday, April 12, 2018 9:27 AM
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Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: NOIA Briefing

Thanks!! The meeting is at 1:30, so we probably need it by 12 or 12:30 our time to be safe. Thanks so much and let me know if the timing poses any issues.

Hope all is well ☺

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Subject: Re: NOIA Briefing

Working on it

Sent from my iPhone

On Apr 12, 2018, at 9:07 AM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

Hi David and Nancy,

Do you guys have any messaging on the permit. I need some more fodder ASAP, per Chris' request below. I was working with Jim Payne (Lee had reached out to him), but I didn't get the messaging from him and am hoping that you have it.

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Sent: Thursday, April 12, 2018 9:58 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>

Subject: RE: NOIA Briefing

Lee, thanks again for your help with this. Just so we're all on the same page post briefing, can we add some material to the Region 6 permit issue? I don't think we need much; just some context on why this permit is so important to NOIA and why we think we'll win on the merits. I'll add this info to the two-pager and the Admin's speech card.

Thanks!

Chris

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To: Beach, Christopher <beach.christopher@epa.gov>

Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>

Subject: RE: NOIA Briefing

Chris,

Here are the two OW questions.

Q1) In the first year of the Trump administration the Region 6 NPDES permit was issued for the discharges in the Western and part of the Central Gulf of Mexico. The permit was extremely important to NOIA members as they continue to develop offshore energy. The issuance of the permit has been challenged in court, is there an update to the status of the litigation?

Response: [Note: This question refers to the following case which is current litigation: Center for Biological Diversity, Gulf Restoration Network, Louisiana Bucket Brigade v. EPA, US Fifth Circuit Court of Appeals, No. 18-60102. The following statement was prepared in coordination with R6, DOJ, and OGC.]

-

- **I know this case is one that you are tracking closely and while I can't comment on ongoing litigation, I can give you some background.**
 - This is an appeal of EPA's reissuance of a general permit under the Clean Water Act for offshore oil and gas production involving the western part of the outer continental shelf in the Gulf of Mexico.
 - Petitioners have indicated that they are challenging this permit under multiple environmental statutes, including the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act.
 - This is a new appeal and it currently is scheduled to be briefed in June.

Q2) Although not specific to the offshore industry, the Waters of the US regulation will have an effect upon NOIA companies. Could you give us the latest update on the status of the process?

Response:

- EPA and the Department of the Army are working through a two-step process to consider revisions to the definition of “Waters of the United States,” consistent with a February 28, 2017, Presidential Executive Order.
 - The first step was to propose to rescind the 2015 rule and recodify the prior regulations.
 - The second step is to propose a new definition of WOTUS.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, the two agencies also finalized a rule at the end of January to change the applicability date of 2015 WOTUS rule to February 6, 2020. This action will provide much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- **Step One:** On June 27, 2017, the agencies proposed a rule to rescind the 2015 rule and re-codify the prior regulations. The agencies are reviewing the more than 650,000 comments received.
- **Step Two:** The agencies are continuing efforts to consider revisions of the definition of “waters of the United States.” We will use all of the valuable input we are receiving through the federalism and tribal consultation process and public outreach process as we work to finish our proposed step 2 rulemaking, which we hope to send to OMB soon. We will continue to engage with stakeholders as we move forward.

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Thanks!
Chris

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From: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Sent: 4/12/2018 5:03:53 PM
To: Gray, David [gray.david@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: RE: NOIA Briefing

Cool, thanks for your help on this.

From: Gray, David
Sent: Thursday, April 12, 2018 1:00 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: NOIA Briefing

I don't know

From: Drinkard, Andrea
Sent: Thursday, April 12, 2018 12:55 PM
To: Gray, David <gray.david@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: NOIA Briefing

Anything here, I need it in the next 5 mins, if so. Thanks and sorry.

Sent from my iPhone

On Apr 12, 2018, at 12:00 PM, Drinkard, Andrea <Drinkard.Andrea@epa.gov> wrote:

We're good on the messaging, so thank you!!

But one follow up on the legal side:

One other small thing: During the briefing, A question was asked about the grounds for the petitioners' challenge. The notes currently say this, but is there anything more specific we can point to?

- Petitioners have indicated that they are challenging this permit under multiple environmental statutes, including the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act.

Sent from my iPhone

On Apr 12, 2018, at 11:26 AM, Gray, David <gray.david@epa.gov> wrote:

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Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 3/1/2018 6:56:37 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Daniell, Kelsi [daniell.kelsi@epa.gov]; Kunding, Kelly [kunding.kelly@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]
Subject: RE: Agenda for March 2
Attachments: FinalFLMarch2AgendaTalkers (003).docx

Attached is the final agenda and set of talking points for tomorrow afternoon's visit. Chris is orchestrating the pocket cards. Main issues at the Economic Chamber will be President's Infrastructure Package/ Water Infrastructure, Lake Okeechobee, CCR, FL 404 Permit Assumption.

From: Bennett, Tate
Sent: Wednesday, February 28, 2018 7:02 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Sarah Greenwalt (greenwalt.sarah@epa.gov) <greenwalt.sarah@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>
Subject: Agenda for March 2

Hello! Attached is the draft agenda for the Admin's quick afternoon trip down to the West Palm area this Friday, March 2nd. I'll have some minor edits tomorrow (so don't forward as the final version), but I figured you all might like to go ahead and get an idea for what we have planned currently. Programs/ OP are getting me their talkers tomorrow at noon. Will send those and the final agenda tomorrow.

-Tate

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 3/1/2018 5:46:57 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: Reading Materials for Tomorrow
Attachments: FL.March2Agenda&Talkers.docx

I'm waiting on Superfund info, but thought you might want to have the bulk of the potential topics/ issues handy today. There's a lot.

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

MEMORANDUM

TO: Administrator Pruitt
FROM: Office of Public Engagement
CC: Ryan Jackson, Millan, Kelly, Sarah, Kelsi
DATE: March 2, 2018
RE: Palm Beach Florida Visit

Event 1: Roundtable Discussion with Members of the Economic Council of Palm Beach County (20 people)

Moderator: Mike DeBock, CEO of the Economic Council of Palm Beach County



DeBock has been with the Economic Council since August of 2017. He previously worked for NextEra Energy for 13 years, where he most recently served as their executive director of gas infrastructure. DeBock received his military commission upon graduation from United States Military Academy at West Point and served eight years as an Apache helicopter pilot.

Meeting Location/Host: Bill Perry with Gunster Law Firm. Gunster is a FL commercial law firm that is headquartered in West Palm but has 13 offices across FL. Gunster clients include 1st United Bank, Interactive, ADS Direct, AGL Resources, American Golf, AT&T, AutoNation, Bankrate.com, Bank of America, Barry University, B/E Aerospace, Boyd Gaming, Capital City Bank, Edgenuity, Everest, FPL, Franklin Templeton Investments, Gulf Power, among others.

Issues: (See attached talking points)

Attendees:

US Sugar Corporation

- Robert Coker, SVP, Public Affairs ** VIP** Big in FL GOP circles
- Ken McDuffie, SVP, Agricultural Operations
- Bubba Wade, SVP, Corp. Strategy & Business Dev.

Florida East Coast Industries

- Jose Gonzalez, SVP

Sugar Cane Growers Cooperative of FL

- David Goodlett, SVP

Florida Crystal Sugar Corporation

- William Tarrrr, VP, Sr. Litigation Couns

Vecellio Group- The Vecellio Group is consistently ranked by *Engineering News-Record* as one of America's Top 400 Contractors.

- Leo Vecellio, President & CEO
- Michael Vecellio, Vice President & Co-owner

They own the following companies:

- [HYPERLINK "<http://www.vecelliogrogan.com/>"], established in 1938, is a major heavy/highway contractor specializing in complete site development, bridge and road construction, drainage and utility structures, coal mining development, and site reclamation in the Mid-Atlantic and Southeastern United States.
 - [HYPERLINK "<http://www.sharpebrosvg.com/>"]. is a division of Vecellio & Grogan providing grading, paving and utilities contracting to the public and private sectors of North Carolina's Piedmont Triad area.
 - [HYPERLINK "<http://www.rangerconstruction.com/>"] is a heavy/highway, site development and asphalt paving contractor with state-of-the-art facilities in numerous locations throughout northeast, central and southeast Florida. Ranger Construction serves customers from St. Johns County west to Polk County and south to the Florida Keys through its Orlando, DeBary, Malabar, Ft. Pierce, West Palm Beach, Pompano and Miami operations.
 - [HYPERLINK "<http://www.wrquarries.com/>"], a division of Vecellio & Grogan, is a DOT-certified mining operation located in Miami, Florida.
 - [HYPERLINK "<http://www.vecenergy.com/>"]'s operations include storage and distribution terminals for bulk petroleum products and additives. Current markets include the U.S., Caribbean and Europe.
 - [HYPERLINK "<http://www.vecenergy.com/terminals.htm>"] designs, builds and operates high-capacity port terminals to store and distribute bulk petroleum and fuel products.
 - [HYPERLINK "<http://www.vecenergy.com/sfm.htm>"] operates a liquid asphalt and diesel fuel terminal at the Port of Palm Beach in southeast Florida.
 - [HYPERLINK "<http://www.vecenergy.com/sfps.htm>"] provides offloading services for all petroleum products at Port Everglades, located on the east coast of South Florida.
 - [HYPERLINK "<http://www.vecenergy.com/resources.htm>"] provides fuel additive services to major oil companies through putting petroleum products at deep-water port locations, including Port Everglades in South Florida.
-

Event 2: Coffee with Marc Goldman, Republican Jewish Coalition (1 person)

**** You met with Marc in your office at the beginning of 2017 ****

Topics: Israel, U.S. Oil Independence, General catch up meeting

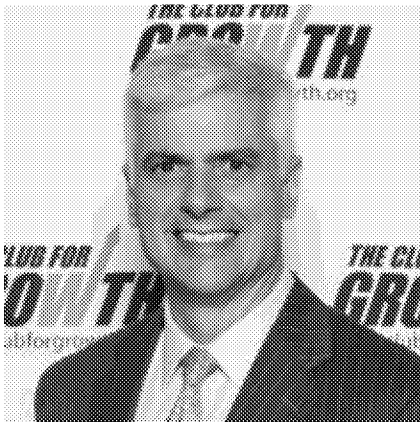


Marc Goldman Bio: Marc S. Goldman, Boca Raton, FL, serves on the board of the Republican Jewish Coalition. He is a big fan of Governor Rick Scott's and is originally from New Jersey. After selling his very successful third-generation family business, Farmland Dairies in 1999, Marc has been active in a variety of initiatives in culture, business, real estate and public policy, particularly oil independence.

Event 3: Speaking Engagement at Club for Growth (150 people)

Format: Remarks, 5 min Q&A (optional)

Introducing you: Former U.S. House Rep. David McIntosh (R-IN), President of Club for Growth



Bio for David McIntosh: David represented Indiana's 2nd Congressional District in Congress from 1995-2001. David served during the Reagan administration as special assistant to Attorney General Edwin Meese III, and as special assistant to President Reagan for Domestic Affairs. David is a co-founder of the Federalist Society for Law and Public Policy and serves on the Board of Directors.

Other Speakers during conference include: Matt Bevin and Nigel Farage

TALKING POINTS FOR ECONOMIC COUNCIL MEETING

The President's Infrastructure Plan:

- The President's proposal would establish a new federal grant program for water, transportation, and other projects and provide them to states and municipalities as matching funds, with the intent of encouraging local officials to use new sources of revenue to fund projects.
- The goal is to engage states and local governments more in how infrastructure gets built and funded rather than have Washington, D.C. tell governors and mayors what infrastructure they need.
- The infrastructure plan is an alternative to the current model, which allocates funding through programs like the EPA's State Revolving Fund and the Department of Transportation's Transportation Investment Generating Economic Recovery (TIGER) discretionary grants.

Water Infrastructure:

- EPA estimates that more than \$650 billion is needed to maintain, upgrade and replace our nation's water infrastructure over next 20 years.
- EPA is also working to support the President's Infrastructure Initiative by supporting water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and the Water Infrastructure Finance and Innovation Act (WIFIA) program and promoting cleanup of contaminated land that can affect our water sources.
- EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds and \$20 million for WIFIA. The budget request includes \$84 million for drinking water programs to continue to partner with states, utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.
- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.
- In July 2017 we invited 12 projects in nine states to apply for loans, including a proposed \$160 million wastewater project to divert sewer outfalls to injection wells at wastewater treatment plants in Miami. EPA intends to open another funding round when sufficient appropriations become available.

Coal Ash Rulemaking Revisions:

- On March 1, EPA issued a proposed rule to change the Obama's Administration's 2015 rule regulating the disposal coal ash from power plants. There are about a dozen coal fired power plants in Florida alone that are impacted by this rule.
- The Obama Administration's coal ash rule was a significant part of its war on coal – and that war is over.

- We are working to make more than a dozen changes to the rule that will provide states and the regulated community more options and greater flexibility in how they manage coal ash in landfills and ponds. We estimate our proposal will save utilities up to \$100 million annually in compliance costs.
- The changes we are seeking to make would allow states and facilities to set alternative groundwater standards, extend upcoming regulatory deadlines, revise the rule's location restrictions and deadlines, and allow facilities to fix leaking coal ash ponds rather than be forced to close them.
- The public will have 45 days to comment on the proposal, and we expect to finalize the changes shortly after the comment period closes. We also expect to propose additional changes later in the year.

Lake Okeechobee/ Harmful Algal Blooms:

- Throughout the summers of 2016 and 2017, South Florida experienced algal blooms that affected Lake Okeechobee and several rivers and estuaries, however, for 2017 and 2018, there have been no significant algal blooms reported for Lake Okeechobee.
- While flow from the lake may contribute to coastal blooms, most of the nutrient loading to the St. Lucie area and Florida's east coast is local non-point runoff from basins east of Lake Okeechobee, not the lake. The current Lake Okeechobee stage is at 15.25 feet, and as of January 31, 2018, there are currently no flows to St. Lucie or the Caloosahatchee from Lake Okeechobee.
- Much of what is required to address nutrient loading in the lake and estuaries involves nonpoint source solutions. Since 2014, EPA has provided approximately \$1.8 Million in funding through the 319 grant program for four projects to address non-point source pollution that impact Lake Okeechobee. (Overall, EPA provided approximately \$7 Million in funding through the 319 grant program for 17 projects to address non-point source pollution that impact Lake Okeechobee, St. Lucie River and Indian River Lagoon watersheds.)
- Additionally, EPA provides \$600,000 per year to the Indian River National Estuary Program, which includes the St. Lucie area. Congressman Brian Mast has spoken with Regional Administrator Trey Glenn regarding his interest. His district includes the Indian River Lagoon, which was adversely impacted by the algal blooms.

Lake Okeechobee Watershed Restoration Project (Army Corp of Engineers sponsored project):

- As part of the Comprehensive Everglades Restoration Plan (CERP), the Lake Okeechobee Watershed Restoration Project is currently in the planning phase and the objectives of this project include: increasing water storage capacity in the watershed, better management of Lake water levels, improving the quantity and timing of discharges to the St. Lucie and Caloosahatchee estuaries, restoring wetlands, and improving water supply.

FL Clean Water Act Section 404 Assumption:

- Florida approached EPA in June 2017 expressing interest in assuming the 404 program. EPA is actively engaged with the Florida Department of Environmental Protection (FDEP) to facilitate development of a complete assumption package.
- EPA has also initiated discussions with the Corp of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service and Tribes to explain the 404 assumption process and their role during and after a state program is approved.
- Priorities for this process include establishing an MOA between FDEP and the Corps regarding assumable waters; an MOA between EPA, FWS, and FDEP regarding the discussion of incorporating the Endangered Species Act.
- The goal is for the state to begin issuing CWA section 404 permits in December of 2018. The Florida House of Representatives on February 21 passed a bill authorizing DEP to assume the program and the bill is awaiting final passage in the Senate. Regional Administrator Trey Glenn met with Noah Valenstein, DEP Secretary, on February 21, 2018, to discuss the issue.

WOTUS:

- The EPA and the Department of the Army are working through a two-step process to consider revisions to the definition of “Waters of the United States.”
- On January 31, 2018, the two agencies finalized a rule to change the applicability date of 2015 WOTUS rule to February 6, 2020.
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- **Step Two:** The agencies are continuing efforts to consider revisions of the definition of “waters of the United States,” consistent with the President’s February 2017 Executive Order.
- **Next steps:** The agencies have received a lot of feedback from the ongoing federalism and tribal consultation process and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- We understand the importance of consulting with our state and tribal partners in developing a new rule to define Waters of the U.S.
- We have already had several rounds of discussions with state, local government and tribal governments are planning for additional discussions with state and tribal co-regulators in the near-future.

State of Florida general comments on WOTUS:

- The 2015 Rule was problematic and gave rise to uncertainty.
- The agencies should rely on cooperative federalism going forward.
- Agriculture in Florida depends on man-made and highly managed canals and structures for flood control and water supply; the State supports clarifying drainage ditches, canals, and exclusions.
- Florida’s unique local circumstances and topography means one size does not fit all.

- Florida's authorities are far broader than WOTUS and programs are very comprehensive, including the wetlands program.

State of Florida's Specific WOTUS New Rule Recommendations:

- Support adhering to the plain language of the Clean Water Act as the basis for a new rule.
- Support implementing the Scalia opinion.
- Ensure that the Nation's waters are protected while providing regulatory certainty.
- Support navigable in-fact but recognizes that "some waters beyond should be included."
- Support clear continuous surface connection between the navigable waters and the subject water.
- Does not support "significant nexus" to be determined on a case-by-case basis; does not support a fixed limit or distance.
- Assert that the connectivity report does not provide rationale for regulating all waters; there are legal and constitutional constraints.

Human Health Criteria:

- In 2016, FDEP updated its human health water quality criteria using a new approach. The proposed approach resulted in less stringent criteria for some parameters and more stringent criteria for others.
- Region 4 and EPA Headquarters (HQ) have been actively involved in reviewing and commenting on each proposal FDEP has put forward. The EPA reviewed FDEP's latest technical support document explaining the rationale behind their human health criteria and had no additional comments.
- The proposed revision resulted in numerous concerns from the public, and was challenged legally by the City of Miami, the Seminole Tribe of Florida, and the Pulp and Paper Association in the Florida Division of Administrative Hearings.
- FDEP recently withdrew the proposed criteria, and has announced that it intends to work with the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida to gather additional data to develop the criteria. EPA will continue to work with the State and interested stakeholders on future actions related to these water quality standards.

Turkey Point Nuclear Power Plant:

- The Turkey Point Nuclear facility is owned and operated by Florida Power and Light (FPL). The plant, situated on the shore of Biscayne Bay, is planning an expansion to add two more reactors to the two reactors and one natural gas power plant that are already operating there.
- The existing reactors and natural gas plants utilize a 6,000 acre cooling canal system as a "radiator" to cool water used by the reactors and natural gas plants. Although it was expected that the unlined cooling canals would leach cooling water in the groundwater below the facility, the cooling water, which contains low levels of selenium and other pollutants, is migrating west towards public drinking water well systems, and east under Biscayne Bay.

- Florida Power has entered into consent agreements with FDEP and Dade County to address the groundwater issues. The EPA commented on the final Environmental Impact Statement (EIS) in December 2016 for the plant expansion and provided comments raising concerns about the groundwater impacts, facility siting and the failure to not comprehensively look at the cumulative effects of the entire facility, not just the new nuclear reactors.
- The Nuclear Regulatory Commission held a hearing in December 2017 so that NRC and Florida Power and Light could provide a Safety and Environmental presentation to the NRC Commissioners before NRC approves the Combined Operating License (COL) for the facility.
- The Southern Alliance for Clean Energy, Friends of the Everglades, and Tropical Audubon Society filed a lawsuit for alleged Clean Water Action violations of discharging contaminated water to groundwater and Biscayne Bay. In Nov 2017, a federal judge denied FPL's motion to dismiss the suit and scheduled a trial to May 29, 2018.

Everglades Agricultural Area (EAA) Reservoir (State sponsored project):

- Last year, the Florida Legislature passed Senate Bill 10, sponsored by Senate President Joe Negron (R, Stuart) that authorized and began the planning process for the EAA Reservoir. The reservoir is located south of Lake Okeechobee, and its goal is reducing discharges to the estuaries and sending more water to the Everglades as part of the Comprehensive Everglades Restoration Plan (CERP.)
- The proposed new reservoir would store 240,000 acre-feet of water on about 14,000-acre site comprised of South Florida Water Management District-owned lands. These lands are currently leased to agriculture, mostly sugar production. SFWMD is seeking willing sellers to increase the site to 17,000 acres.
- EPA supports the stated purpose of further improving the quantity, timing, quality and distribution of water flows from Lake Okeechobee to the Caloosahatchee and St. Lucie Estuaries, the Greater Everglades, Everglades National Park and Florida Bay while maintaining flood control and water supply needs.

EPA's FY2019 Budget Request:

- The President's FY19 budget request seeks more than \$6.1 billion for EPA – an increase from last year's request of \$5.65 billion. While almost a \$2 billion reduction from current funding levels, we recognize that Congress ultimately has the power of the purse and will respect their direction.
- Congress raised budget caps last month as we were releasing the budget, so we anticipate resources there, although Congress is yet to establish exactly how much, if any, of those freed-up dollars will come to EPA. (They're yet to set "302(b) levels" for budget experts in the room.)
- The FY19 Budget Request includes \$597 million in funding for State and Tribal Assistance Categorical Grants in direct support of these partners.
 - Includes \$27 million for the Multipurpose Grant program to provide greater flexibility to our partners in implementing environmental programs. The Agency will

continue to advance cooperative federalism by working with states and tribes to target core grant resources and provide needed flexibility to address their specific priorities.

Don't raise it, but you may get questions on eliminated programs.

- **ELIMINATED:** South Florida Geographic Program (FY18: \$1.6 mil, 1.4 FTE). This leads special initiatives and planning activities in South Florida. We encourage state, tribal, and local entities to continue this work within core water programs. (Stress we had to make challenging decisions to do less with more, but always respect Congressional direction. Paige note: I bet this ends up funded.)
- **ELIMINATED:** Beach / Fish Programs (FY 18: \$1.6 mil, 3.8 FTE). This program provides science, guidance, technical assistance and information on the human health risks associated with eating locally caught fish/shellfish with excessive levels of contaminants, as well as beach monitoring and notification programs. We're encouraging states to continue this work within ongoing core programs.
- **ELIMINATED:** Categorical Grant for Beaches Protection (FY18: \$9.4 mil, 0 FTE). Grants under the BEACH Act continued development and implementation of coastal recreational water monitoring and public notification programs. After 17 years of guidance and financial support, state and local governments now have the technical expertise to continue without federal support.

Other Budget Issues:

- **Workforce Levels:** At the start of February, EPA's onboard level from the HR rosters adjusted for part-time employees was 14,171.5. At the start of this fiscal year the level was 14,420.5. This is the lowest level since 1988 which was 14,442.
- People have asked about re-orgs. We conduct reorganizations in consultation with Congress and are looking for ways to better serve the American public. (Not really a budget issue, but they seem to come to us, especially since there's the requirement to notify our appropriators before reorganizing. I doubt its raised by this group.)

Clean Power Plan:

- The CPP was problematic from both a legal and technical perspective: It required actions that extended beyond the fence line of power plants and assigned broad sweeping assumptions that did not reflect the true diversity of our nation's energy mix.

- EPA is holding listening sessions on its October 2017 proposal to repeal the Clean Power Plan; the next (and final) one is in Wyoming on March 27.
- On December 28, 2017, EPA published an Advance Notice of Proposed Rulemaking on what a replacement rule should include.
- February 26, 2018 – public comment period closed for the ANPRM
- A number of stakeholders and states, including Texas and Wyoming, requested an extension of the comment period for the ANPRM.
- We did not extend the comment period because we are committed to expeditiously moving forward with the forthcoming proposed rule.
- When the proposed rule is published, stakeholders will have the opportunity to submit additional comments.
- Important to any potential next regulatory step is respect for carefully crafted statutory limits and adherence to the principles of cooperative federalism.

PM 2.5 Designations:

- This action will establish the initial air quality designations for the 2012 PM_{2.5} national ambient air quality standard for counties in Florida where these designations were deferred.
- On December 18, 2014, when the EPA established the initial designations for most areas of the country, EPA deferred taking action on all counties in the state of Florida because it could not determine using available air quality data whether the areas were meeting or were not meeting the NAAQS, but for which forthcoming data would likely result in complete and valid data needed to determine a designation.
- On August 30, 2016, EPA designated 62 of 67 counties in Florida as attainment based on data from 2013-2015. Following the August 30, 2016, designation action, five counties remained deferred in Florida due to continued air quality data issues (the 5 counties are: Alachua, Broward, Gilchrist, Miami-Dade, Palm Beach). Alachua and Gilchrist are in Central Florida; the remaining 3 counties are in South Florida.
- After 2017 data are certified by the State of Florida, EPA expects to have sufficient data to designate the remaining deferred counties in Florida based upon data from 2015-2017. Expected timing for final designations: Summer 2018.

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 3/1/2018 4:29:12 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: RE: Requested OW talking points for Administrator meeting

Thank you!

From: Dennis, Allison
Sent: Thursday, March 1, 2018 11:07 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Requested OW talking points for Administrator meeting

Hi Tate,

As requested, here are our suggested talking points and updates for the Administrator's meeting at the end of the week. These have been reviewed by Dave and we have also coordinated with Region 4. Please let me know if you have any or need additional information. Thank you. -Allison

The President's Infrastructure Plan:

- The President's Infrastructure Plan released on February 12th demonstrates this Administration's commitment to rebuilding and modernizing our country's aging water and wastewater infrastructure.
- The President's proposal would centralize federal dollars for water, transportation, and other projects and provide them to municipalities as matching funds, with the intent of encouraging local officials to use new sources of revenue to fund projects.
- The infrastructure plan is an alternative to the current model, which allocates funding through programs like the EPA's State Revolving Fund and the Department of Transportation's Transportation Investment Generating Economic Recovery (TIGER) discretionary grants.

EPA's Support for Water Infrastructure:

- EPA estimates that more than \$650 billion is needed to maintain, upgrade and replace our nation's water infrastructure over the next 20 years.
- EPA is working to support the President's Infrastructure Initiative by supporting water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and the Water Infrastructure Finance and Innovation Act (WIFIA) program.
- EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds and \$20 million for WIFIA. The budget request includes \$84 million for drinking water programs to continue to partner with states, utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.
 - For FY2017, Florida received \$44,753,000 for the CWSRF and \$30,143,000 for the DWSRF. This grant funding was awarded to Florida in September 2017.

WIFIA

- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.
- In July 2017 we invited 12 projects in nine states to apply for loans, including the Ocean Outfall Discharge Reduction and Resiliency Enhancement Project for Miami-Dade County, Florida.
- We are working to finalize these loans.
- EPA intends to open another funding round when sufficient appropriations become available.

WOTUS:

- The EPA and the Department of the Army are working through a two-step process to consider revisions to the definition of “Waters of the United States.”
- On January 31, 2018, the two agencies finalized a rule to change the applicability date of 2015 WOTUS rule to February 6, 2020.
- **Step One:** On June 27, 2017, the agencies proposed a rule to rescind the 2015 rule and re-codify the prior regulations. The agencies are reviewing the more than 650,000 comments received.
- **Step Two:** The agencies are continuing efforts to consider revisions of the definition of “waters of the United States,” consistent with the President’s February 2017 Executive Order.
- **Next steps:** The agencies have received a lot of feedback from the ongoing federalism and tribal consultation process and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- We understand the importance of consulting with our state and tribal partners in developing a new rule to define Waters of the U.S.
- We have already had several rounds of discussions with state, local government and tribal governments are planning for additional discussions with state and tribal co-regulators in the near-future.

Requested background information

State of Florida general comments on WOTUS:

- The 2015 Rule was problematic and gave rise to uncertainty.
- The agencies should rely on cooperative federalism going forward.
- Agriculture in Florida depends on man-made and highly managed canals and structures for flood control and water supply; the State supports clarifying drainage ditches, canals, and exclusions.
- Florida’s unique local circumstances and topography means one size does not fit all.
- Florida’s authorities are far broader than WOTUS and programs are very comprehensive, including the wetlands program.

State of Florida’s Specific WOTUS New Rule Recommendations:

- Support adhering to the plain language of the Clean Water Act as the basis for a new rule.
- Support implementing the Scalia opinion.
- Ensure that the Nation’s waters are protected while providing regulatory certainty.
- Support navigable in-fact but recognizes that “some waters beyond should be included.”
- Support clear continuous surface connection between the navigable waters and the subject water.
- Does not support “significant nexus” to be determined on a case-by-case basis; does not support a fixed limit or distance.
- Assert that the connectivity report does not provide rationale for regulating all waters; there are legal and constitutional constraints.

Section 404 program (General Program Talking Points, if needed):

- EPA is working to facilitate state and tribal efforts for Clean Water Act Section 404 Program Assumption, through technical assistance, grants and other efforts.
- In June 2017, the Assumable Waters Federal Advisory Committee Act (FACA) Subcommittee submitted its report to EPA with recommendations for clarifying assumable waters.
- We are currently working to respond to the committee recommendation. EPA is committed to working actively with states to respond to the needs of the individual states who wish to assume the program.

FL Clean Water Act Section 404 Assumption:

- Florida approached EPA in June 2017 expressing interest in assuming the 404 program. EPA is actively engaged with the Florida Department of Environmental Protection (FDEP) to facilitate development of a complete assumption package.
- EPA has also initiated discussions with the Corps of Engineers, US Fish and Wildlife Service, National Marine Fisheries Service and Tribes to explain the 404 assumption process and their role during and after a state program is approved.
- Priorities for this process include establishing an MOA between FDEP and the Corps regarding assumable waters; an MOA between EPA, FWS, and FDEP regarding the discussion of incorporating the Endangered Species Act.
- The goal is for the state to begin issuing CWA section 404 permits in December of 2018. The Florida House of Representatives on February 21 passed a bill authorizing DEP to assume the program and the bill is awaiting final passage in the Senate. Regional Administrator Trey Glenn met with Noah Valenstein, DEP Secretary, on February 21, 2018, to discuss the issue.

Allison Dennis
Deputy Communications Director
Office of Water
U.S. Environmental Protection Agency
Office: 202-564-1985

Cell: 202-257-5629

Dennis.Allison@epa.gov

Message

From: Daniell, Kelsi [daniell.kelsi@epa.gov]
Sent: 2/4/2018 7:26:20 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: FW: Trip Materials
Attachments: 013118-CCR Rule Revisions.docx; 013118-Cercla 108 Talking Points.docx; CERCLA Talkers.docx; Anaconda_TPs.docx; AnacondaBackground.docx; Florida ESA.docx; Anaconda.jpg; Nevada OPE Memo.docx; Florida Trip.docx; Florida State Profile.pdf; Sandoval Letter to Pruitt CERCLA 108(b)042017.pdf

See attached. Will also send mine

From: Bennett, Tate
Sent: Wednesday, January 31, 2018 4:36 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Trip Materials

Lincoln- everything you need should be here unless Chris B. has anything else to add. Waiting on a WOTUS background from OW (I accidentally deleted it last week, so my fault) but he should be good there. Can add tomorrow.

On the attachments for organizational purposes:

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CERCLA HARDROCK AND ANACONDA DOCS ARE NEVADA. SANDOVAL LETTER IS NEVADA. NEVADA OPE MEMO IS JUST THAT.

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 2/9/2018 2:53:01 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: Fwd: ACTION, For Forwarding: TPs for Pruitt Travel 2/12-2/14

Weekend reading fun

Begin forwarded message:

From: "Ross, David P" <ross.davidp@epa.gov>
Date: February 8, 2018 at 6:47:19 PM EST
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Campbell, Ann" <Campbell.Ann@epa.gov>, "Best-Wong, Benita" <Best-Wong.Benita@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Subject: FW: ACTION, For Forwarding: TPs for Pruitt Travel 2/12-2/14

Hi Tate,

As requested, here are TPs on WOTUS, Wastewater permitting, and MS4 permitting. The wastewater and MS4 TPs were prepared and approved by Region 1. The requested points on the Northfield mountain facility are being handled by Region 1 and will be transmitted to you directly. Let us know if you need anything else.

Wastewater

- <!--[if !supportLists]--><!--[endif]-->Thank you for your recent letter on Clean Water Act permits for Great Bay municipalities.
- <!--[if !supportLists]--><!--[endif]-->As you know, the leaders of EPA's Office of Water and of our New England regional office met with a group of communities last Tuesday. Bob Scott [DES Commissioner] participated in that meeting, along with Mac Zellem from your office. I understand that discussion was productive and that the group agreed to follow-up discussions to make sure we are all sharing the latest scientific information about Great Bay.
- <!--[if !supportLists]--><!--[endif]-->EPA committed to engage the communities in the permitting process, and to let them know well in advance when we are nearing issuance of any draft or final permits. We understand that permitting decisions have important consequences for communities and we don't want to surprise anyone.
- <!--[if !supportLists]--><!--[endif]-->At the meeting, the City of Portsmouth informed EPA of a possible development opportunity at the Pease International Tradeport which may require an increase in permitted discharges. EPA is ready to work with Portsmouth to identify and resolve any permitting issues.
- <!--[if !supportLists]--><!--[endif]-->We will continue to closely coordinate with NH DES on these issues. We really value DES's engagement and we believe it's important that we continue to work together on these permits.

MS4 permitting

- <!--[if !supportLists]--><!--[endif]-->EPA worked closely with NH DES in the development of the NH municipal stormwater ("MS4") permit. We appreciate DES's engagement and support.
- <!--[if !supportLists]--><!--[endif]-->We know NH communities are concerned about the investments needed to reduce stormwater pollution. Together with DES, we conducted

numerous meetings with communities to hear their concerns, and made many changes to the permit in response to their comments.

- <!--[if !supportLists]--><!--[endif]-->We looked for places to add flexibility to the permit to allow local decision-making about stormwater management. We also included lengthy schedules to allow communities time to plan and implement stormwater management practices.
- <!--[if !supportLists]--><!--[endif]-->The permit has been appealed, and we are beginning a mediation process to see if we can reach an agreement that satisfies everyone's concerns. We will continue to listen carefully to the issues raised by NH communities. I hope we can find a way forward that will protect New Hampshire's waters and will also be workable for the communities that need to implement the permit.
- <!--[if !supportLists]--><!--[endif]-->I know that a group of NH communities has asked EPA to delay the effective date of the permit. Our Office of General Counsel and Office of Water are working with Region 1 to evaluate that request.

WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 rule and recodify the prior regulations. We published the proposal in July 2017.
- The second step is to propose a new definition of WOTUS.
- Apart from this two-step process, last week we published a final rule adding an applicability date to the 2015 rule. The 2015 rule will not apply until February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community, states and the public during the ongoing regulatory process.
- We've received a lot of useful feedback from the federalism and tribal consultations we conducted in the spring and from the series of public meetings we held in fall asking for pre-proposal recommendations on a revised definition of "waters of the United States." We are currently reviewing those recommendations.
- We are planning for additional discussions with state and tribal co-regulators in the near-future, including webinars with our state and tribal partners on February 20 and hosting workshops for tribal stakeholders on March 6- 7 and for states on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.

From: Bennett, Tate

Sent: Monday, February 5, 2018 11:48 AM

To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Cory, Preston (Katherine)

<Cory.Preston@epa.gov>

Subject: Pruitt Travel 2/12-2/14

Good morning!

The Administrator will be making the following visits next week in Massachusetts and New Hampshire (I have listed them below and the issues we anticipate that will be raised). If your respective offices could provide memos and talking points by COB Thursday, it would be greatly appreciated! He is leaving first thing on Monday AM, and he will need to take all of the materials with him when he departs the office Friday for the weekend (departure time Friday TBD so this is why we need everything by Thursday COB).

- <!--[if !supportLists]--><!--[endif]-->Massachusetts 2/12- Region 10 Office Visit, New Bedford Superfund Site (memo required on New Bedford), Memo on POTUS Budget which is coming out this day
- <!--[if !supportLists]--><!--[endif]-->New Hampshire 2/13- Meeting with Governor Sununu (memo required for MS4 Permitting/wastewater NPEDS , WOTUS), Meeting with Central Paper Company (Wood procurement issues, Biomass carbon neutrality), Mohawk Tannery Superfund Site (memo required)
- <!--[if !supportLists]--><!--[endif]-->Massachusetts 2/14- Northfield Mountain Hyrdo Facility with Commissioner Chatterjee (memo on hydro water permitting issues from OW.....note most of their issues will be before FERC)

All of these stops have been vetted by Susan and Patricks' teams.

Apologies if this is duplicative as I know some of you have already sent me some of your materials.

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 2/4/2018 6:56:46 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
CC: Ferguson, Lincoln [ferguson.lincoln@epa.gov]
Subject: Fwd: Trip Materials
Attachments: 013118-CCR Rule Revisions.docx; ATT00001.htm; 013118-Cercla 108 Talking Points.docx; ATT00002.htm; CERCLA Talkers.docx; ATT00003.htm; Anaconda_TPs.docx; ATT00004.htm; AnacondaBackground.docx; ATT00005.htm; Florida ESA.docx; ATT00006.htm; Anaconda.jpg; ATT00007.htm; Nevada OPE Memo.docx; ATT00008.htm; Florida Trip.docx; ATT00009.htm; Florida State Profile.pdf; ATT00010.htm; Sandoval Letter to Pruitt CERCLA 108(b)042017.pdf; ATT00011.htm

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
To: "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Beach, Christopher" <beach.christopher@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Daniell, Kelsi" <daniell.kelsi@epa.gov>, "Kelly, Albert" <kelly.albert@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>, "Gordon, Stephen" <gordon.stephen@epa.gov>, "Hupp, Millan" <hupp.millan@epa.gov>, "Kundinger, Kelly" <kundinger.kelly@epa.gov>, "McMurray, Forrest" <mcmurray.forrest@epa.gov>, "Sarah Greenwalt (greenwalt.sarah@epa.gov)" <greenwalt.sarah@epa.gov>
Subject: Trip Materials

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Message

From: Ross, David P [ross.davidp@epa.gov]
Sent: 2/23/2018 5:41:32 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
CC: Brown, Byron [brown.byron@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: OW Talking Points for Western Governors Association Meeting

Helpful. Thanks.

From: Bennett, Tate
Sent: Friday, February 23, 2018 12:35 PM
To: Ross, David P <ross.davidp@epa.gov>
Cc: Brown, Byron <brown.byron@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Re: OW Talking Points for Western Governors Association Meeting

For what it's worth, he typically says: "proposal out by this summer."

On Feb 23, 2018, at 11:05 AM, Ross, David P <ross.davidp@epa.gov> wrote:

Deliberative

In light of some very recent discoveries in the rulemaking process, I'm taking a careful look at the current schedule. I would prefer staying high level at the moment, but something to OMB in late spring/early summer with mid-summer out of OMB is a rough timeline and not inconsistent with earlier public statements on the issue. I still need to huddle with the core team and prepare a briefing for the Administrator on the topic, so before we do that I'd like to stay as general as possible.

Thanks.

From: Brown, Byron
Sent: Friday, February 23, 2018 10:36 AM
To: Ross, David P <ross.davidp@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: OW Talking Points for Western Governors Association Meeting

On WOTUS, anything we can say about timing for the final step 2 rule?

From: Ross, David P
Sent: Wednesday, February 21, 2018 5:14 PM
To: Brown, Byron <brown.byron@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: OW Talking Points for Western Governors Association Meeting

Here you go. Please note that Region 8 may be sending additional information about a North Dakota primacy application for the underground injection control program. I'm taking a look to see if we need to provide talking points on a few other state-specific issues, but didn't want to delay these from the OW team.

WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of “waters of the United States” that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 WOTUS rule and recodify the prior regulations. We’re reviewing the 685,000 comments received and we’re working to review them.
- The second step is to propose a new definition of WOTUS. We’ve received a lot of feedback from the federalism and tribal consultations and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- Apart from this two-step process, we recently finalized a rule to change the applicability date of the 2015 WOTUS rule to February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- We are planning for additional discussions with state and tribal co-regulators in the near-future. On Tuesday, February 20th, we held a webinar on our Step 2 rulemaking for our state and tribal partners and we will be hosting fly-in for tribal stakeholders on March 6-7 and a State fly-in on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the ‘waters of the United States’ so that Americans receive the clarity they deserve.

Conduit Theory

- Over the years, EPA has stated in a variety of contexts, but has not finalized through a rulemaking, that releases of pollutants to groundwater with a direct hydrologic connection to a jurisdictional surface water may require permits under the Clean Water Act.
- The courts have treated this issue differently, without providing clear guidance to the regulated community.
- On Tuesday, February 13, the agency signed a Federal Register notice seeking input from states, tribes and other interested stakeholders on how pollutants that are released into groundwater from point sources that have the potential to migrate through a direct hydrologic connection into a federally-protected surface water should be treated under the Clean Water Act.
- The agency wants to hear from all stakeholders about a number of key issues, including whether EPA should review and potentially revise or clarify any previous agency statements on this issue.
- The comment period will close May 21, 2018.

Pebble Mine

- In 2014 the Obama Administration issued what was widely considered a preemptive veto of the Pebble Limited Partnership mining project. This effectively brought the mine’s application process and, more importantly, due process to a halt. Litigation resulted and continued into this Administration.
- Last May our Administration took the first step to rescind this due process denial and allowed the Pebble mine proponents to proceed and progress through the process. In EPA’s settlement with Pebble Limited Partnership, we agreed not issue a final decision until the Corps of Engineers issues a Final Environmental Impact Statement or May 2021, whichever is earlier.
- After hearing directly from stakeholders and the people of Alaska, we announced in late January (January 26, 2018) that the agency is suspending its process to withdraw those proposed restrictions, leaving them in place while we receive more information on the potential mine’s impact on the region’s fisheries and natural resources. At this time EPA believes that any mining

projects in the region would likely pose a risk to the world-class natural resources that exist there.

- This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar because the agency believes the risk to Bristol Bay may be unacceptable.
- The agency will be seeking additional public comment on the impact of the mining application on the proposed determination to better inform that analysis.

Water Infrastructure

- EPA estimates that more than \$650 billion is needed to maintain, upgrade and replace our nation's water infrastructure over next 20 years.
- Solution must be all-of-the-above strategy.

WIFIA

- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.
- In July 2017 we invited 12 projects in nine states to apply for loans. These projects will leverage more than a billion dollars in private capital, in addition to other funding sources, including the State Revolving Fund (SRF) loans, to help finance a total of \$5.1 billion in water infrastructure investments. We are working to close these loans.
- EPA intends to open another funding round when sufficient appropriations become available.

EPA's FY2019 Budget

- EPA is also working to support this Presidential priority by supporting water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and the Water Infrastructure Finance and Innovation Act (WIFIA) program.
- EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds and \$20 million for WIFIA. The budget request includes \$84 million for drinking water programs to continue to partner with states, utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.

State Assumption of the CWA Section 404 program (Arizona and Oregon have previously expressed interest):

- EPA is working to facilitate state and tribal efforts for Clean Water Act Section 404 Program Assumption, through technical assistance, grants and other efforts.
- In June 2017, the Assumable Waters Federal Advisory Committee Act (FACA) Subcommittee submitted its report to EPA with recommendations for clarifying assumable waters.
- We are currently working to respond to the committee recommendation. EPA is committed to working actively with states to respond to the needs of the individual states who wish to assume the program.

Puget Sound No Discharge Zone:

- In July 2016, the Washington Department of Ecology issued a petition to the EPA to establish a No Discharge Zone (NDZ) ban on vessel sewage discharge in Puget Sound area waters.
- The decision to petition EPA came after more than four years of evaluation by the state, an extensive stakeholder outreach effort, and a public review period for a draft petition.
- In February 2017, EPA Region 10 determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for waters of Puget Sound. This determination is required by the Clean Water Act for a state to then proceed to finalize the proposed designation in accordance with state law.

- Washington Department of Ecology recently proposed a new rule to establish the NDZ. The public comment period opened on October 4, 2017 and closed on November 30, 2017.

Proposed Aluminum Aquatic Life Criteria Applicable to Oregon:

- EPA is under a consent decree deadline (from a Northwest Environmental Advocates lawsuit) to propose aluminum aquatic life criteria for the state of Oregon by 3/15/18.
- EPA is working with DOJ to request an extension in order to allow time for EPA to publish a final national 304(a) recommendation for aluminum before proposing aluminum criteria for Oregon. No decision to date.

Water Quality Standards for the state of Washington:

- On November 15, 2016, EPA approved 45 human health criteria (HHC) and disapproved 143 HHC submitted by Washington. EPA issued a final rule that revised certain HHC applicable to Washington's waters. EPA also approved Washington's revisions to its variance and compliance schedule provisions, which give the state and affected industries and municipalities reasonable flexibility and time to implement these new standards while making reasonable progress in improving water quality.
- On December 28, 2016, the WQS became effective for CWA purposes.
- There is no current litigation on EPA's federal rule for HHC in Washington. However, on February 21, 2017, Northwest Environmental Advocates filed a complaint regarding EPA's failure to respond to its 2013 petition for rulemaking under the Clean Water Act to update Washington's human health and aquatic life criteria. EPA denied the petition on May 31, 2017, and the litigation was dismissed. We are currently responding to a related FOIA request from Northwest Environmental Advocates for all information that EPA considered in responding to the petition.
- Also on February 21, 2017, several industry groups (including Association of Washington Businesses, Northwest Pulp & Paper Association, and American Forest & Paper Association) filed a petition requesting EPA reconsider its action on the state rule and repeal or withdraw the federal rule. Within five months of EPA receiving the industry petition, Earthjustice (on behalf of Waterkeepers Washington), Northwest Indian Fisheries Commission, and the Jamestown S'Klallam Tribe sent EPA letters requesting that EPA deny the petition.
- EPA and the State of Washington are actively engaged in collaboration with stakeholders on implementation of the HHC for PCBs, especially in the Spokane River, where EPA is a participant on the Spokane River Regional Toxics Task Force, along with affected parties such as the City of Spokane.
- Washington is considering several Clean Water Act regulatory tools, such as variances and compliance schedules, and other strategies to reduce levels of toxic pollutants, such as PCBs. The tools provide a greater degree of regulatory certainty, while continuing to evaluate options to reduce PCBs and other pollutants discharged to the Spokane River.

PFAS Talking Points (Note: we understand there may be PFAS issues in Alaska and Colorado):

Key message: Protecting public health is EPA's highest priority and EPA is working to ensure that states, tribes and communities have the tools they need to address PFAS.

- Administrator Pruitt directed a cross agency group to develop an action plan to address the needs of impacted communities.
- The group is working to identify near-term actions to support local communities; enhance coordination with states, tribes and federal partners; increase ongoing research efforts; and expand proactive communications.
- EPA is providing technical assistance to states and communities as we work together to address drinking water contamination from other PFAS.
- In 2016, EPA issued a health advisory of 70 parts per trillion (ppt) for PFOA and PFOS in drinking water to provide drinking water system operators, and state, tribal and local officials with

information on the health risks of these chemicals, so they can take the appropriate actions to protect their residents.

From: Brown, Byron

Sent: Wednesday, February 21, 2018 1:40 PM

To: Ross, David P <ross.davidp@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Bennett, Tate <Bennett.Tate@epa.gov>

Subject: RE: OW Talking Points for Western Governors Association Meeting

Just a reminder to send any OW related talking points for the upcoming Western Governors meeting. Let Tate and me know if you have any questions. Thanks.

From: Brown, Byron

Sent: Friday, February 16, 2018 2:39 PM

To: Ross, David P <ross.davidp@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Bennett, Tate <Bennett.Tate@epa.gov>

Subject: OW Talking Points for Western Governors Association Meeting

The Administrator is scheduled to host the Western Governors Association on Sunday Feb. 25, and I am working with Tate to pull together a set of talking points. So far we expect the governors of Alaska, Colorado, Hawaii, Kansas, Montana, North Dakota, New Mexico, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming to attend.

Can you send us updated talking points for the meeting on WOTUS, Pebble Mine, state assumption, Puget Sound no discharge zone, conduit theory, water infrastructure, and any other hot-button water issues involving these states? We'd like to get drafts by COB on Wednesday 2/21 if possible. Let Tate and me know if you have questions. Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

Message

From: Forsgren, Lee [Forsgren.Lee@epa.gov]
Sent: 11/20/2017 5:28:36 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]
Subject: RE: Draft LxL / Weekly Report ---- REMINDER
Attachments: GLNPO One Pager 11 13 2017 .docx

Lincoln, Sarah and Kell,

Here is the briefing paper from last week on the Great Lakes.
Regards

Lee

From: Greenwalt, Sarah
Sent: Monday, November 20, 2017 10:55 AM
To: Kelly, Albert <kelly.albert@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Draft LxL / Weekly Report ---- REMINDER

Yes. Lee, let's just submit the briefing paper OW prepared last week.

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Kelly, Albert
Sent: Monday, November 20, 2017 10:34 AM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Fwd: Draft LxL / Weekly Report ---- REMINDER

Would you please send me a copy of whatever you prepare on Great Lakes?

Sent from my iPad

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Date: November 20, 2017 at 9:27:57 AM CST
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Ford, Hayley" <ford.hayley@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, "Baptist, Erik" <baptist.erik@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Bolen, Derrick" <bolen.derrick@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Burke, Marcella" <burke.marcella@epa.gov>, "Chmielewski, Kevin" <chmielewski.kevin@epa.gov>, "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>, "Darwin, Henry" <darwin.henry@epa.gov>, "Darwin, Veronica" <darwin.veronica@epa.gov>, "Dominguez, Alexander" <dominguez.alexander@epa.gov>, "Dourson,

Michael" <dourson.michael@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>, "Falvo, Nicholas" <falvo.nicholas@epa.gov>, "Feeley, Drew (Robert)" <Feeley.Drew@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Gordon, Stephen" <gordon.stephen@epa.gov>, "Greaves, Holly" <greaves.holly@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Harlow, David" <harlow.david@epa.gov>, "Hewitt, James" <hewitt.james@epa.gov>, "Hupp, Millan" <hupp.millan@epa.gov>, "Kelly, Albert" <kelly.albert@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Letendre, Daisy" <letendre.daisy@epa.gov>, "Lovell, Will (William)" <lovell.william@epa.gov>, "Lyons, Troy" <iyons.troy@epa.gov>, "McMurray, Forrest" <mcmurray.forrest@epa.gov>, "Munoz, Charles" <munoz.charles@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>, "Rodrick, Christian" <rodrick.christian@epa.gov>, "Sands, Jeffrey" <sands.jeffrey@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>, "Shimmin, Kaitlyn" <shimmin.kaitlyn@epa.gov>, "Traylor, Patrick" <traylor.patrick@epa.gov>, "Wagner, Kenneth" <wagner.kenneth@epa.gov>, "Wehrum, Bill" <Wehrum.Bill@epa.gov>, "White, Elizabeth" <white.elizabeth@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Yamada, Richard (Yujiro)" <yamada.richard@epa.gov>
Cc: "Dickerson, Aaron" <dickerson.aaron@epa.gov>, "Woodward, Cheryl" <Woodward.Cheryl@epa.gov>, "Willis, Sharnett" <Willis.Sharnett@epa.gov>
Subject: RE: Draft LxL / Weekly Report ---- REMINDER

Hello! Regarding the Admin's travel next week:

Lincoln will be preparing his binder for Florida and Michigan tomorrow evening as he will fly to Florida this Sunday or Monday. **If folks can get us info on the following by tomorrow at noon**, it would be much appreciated. Thanks for your patience as the holiday complicates our normal 4 PM day before traveling deadline schedule:

Pesticide issues in Michigan/ WPS/ CNT (I already talked to Nancy on this so we are all set on the latter)

WOTUS (Sarah- any updates?)
Great Lakes Memo (Sarah/ Lee).

By next Wednesday (29th) at noon, we will need updates on the following issues for KY and Iowa:

BF Goodrich Superfund Site (Kell)
WOTUS (can use info from Monday)
WPS/ CNT (Nancy)
RFS (POO and seasonal waivers included) (Mandy)

Thanks all!

Tate

From: Jackson, Ryan

Sent: Monday, November 20, 2017 9:48 AM

To: Ford, Hayley <ford.hayley@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Dominguez, Alexander

<dominguez.alexander@epa.gov>; Dourson, Michael <dourson.michael@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Konkus, John <konkus.john@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>; Woodward, Cheryl <Woodward.Cheryl@epa.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>
Subject: RE: Draft LxL / Weekly Report ---- REMINDER

Just a reminder due to the Administrator's travel after the holiday, that we need all to take a look at the proposed draft list of events which Hayley provides of meetings and events here in DC or on travel to which we need your attention. Thanks.

Please use the following streamlined process to provide briefing material for Administrator Pruitt, each bullet is important:

- When the Administrator is taking a meeting from outside the agency, including a member of Congress, industry, NGO, other stakeholder, email a brief that is no longer than one page and preferably half a page to Lincoln no later than 4pm the day before the event or meeting.
- When the Administrator is traveling, develop talking points and a short briefer on issues on which you are working which are important to the groups he's meeting with or speaking to.
 - These points or briefer need to be no more than a page and preferably less.
 - Please provide the points or briefer to Tate and Lincoln no later than 4pm the day before the Administrator departs for the ***entire*** trip.
 - Please try to get the points or briefer to Tate and Lincoln as early as you are able before the trip.
- When the Administrator is meeting with internal staff, please provide Lincoln a short brief (quarter of a page) no later than 4pm the day before the event or meeting.
- For press interviews, the press shop will reach out to you concerning material needed for interviews. However, when you are contacted by the press office please provide the most concise information you can because it is being combined with material from others.
- Please ***watch the Administrator's schedule each day for changes*** which will include in D.C. and outside D.C. events so this can work most efficiently.

Thank you all.

Ryan.

From: Ford, Hayley

Sent: Friday, November 17, 2017 5:37 PM

To: Abboud, Michael <abboud.michael@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Dourson, Michael <dourson.michael@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Konkus, John <konkus.john@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Sands, Jeffrey <sands.jeffrey@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>; Woodward, Cheryl <Woodward.Cheryl@epa.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>

Subject: Draft LxL / Weekly Report

See attached for draft LxL and weekly report. Will update you this weekend on whether we have a brief COS meeting Monday morning.

Have a nice weekend!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

Background Briefing for Administrator Pruitt on the Great Lakes Program – 11/14/2017

Program Administration and Management

The Great Lakes National Program Office (GLNPO) in Region 5 is responsible for planning, coordinating, and implementing the monitoring and restoration of the Great Lakes under Section 118 of the Clean Water Act. GLNPO is also responsible for the implementation of the Great Lakes Restoration Initiative (GLRI) and binational activities that advance the goals and commitments of the Great Lakes Water Quality Agreement (GLWQA).

Agreements and Initiatives

The Great Lakes Restoration Initiative (GLRI) was launched in 2010 to accelerate efforts to protect and restore the Great Lakes. The GLRI accelerates Great Lakes environmental protection and restoration by U.S. federal agencies and supports domestic implementation of the GLWQA. The GLRI focuses federal activities, in coordination with our Great Lakes Basin states and tribes, on 1) cleaning up and restoring Areas of Concern (AOCs); 2) reducing phosphorus contributions that contribute to harmful algal blooms; and 3) preventing of the spread of invasive species (such as Asian Carp).

The Great Lakes Legacy Act (GLLA) is a cost-sharing program specifically designed to address contaminated sediments and lost habitat at Great Lakes AOCs. AOCs are the areas of the Great Lakes basin most heavily contaminated with legacy pollutants that demonstrated significant environmental degradation, such as habitat loss and fish consumption advisories.

The GLWQA is the commitment between the United States and Canada to restore and protect the waters of the Great Lakes. The Agreement provides a framework for identifying binational priorities and implementing actions that improve water quality. GLNPO coordinates activities that fulfill U.S. responsibilities under the Agreement.

Accomplishments

The coordination between the federal agencies and our state and tribal partners has produced unprecedented results under the GLRI. GLRI resources have significantly accelerated the cleanup actions required to restore and delist Great Lakes AOCs. Since the inception of the GLRI, three AOCs have been delisted, a major change from the 25 years before the GLRI, during which only one AOC was cleaned up and delisted. GLRI resources have also been used to double the acreage enrolled in agricultural conservation programs in watersheds where phosphorus runoff contributes to harmful algal blooms in western Lake Erie, Saginaw Bay and Green Bay. So far, GLRI resources have been used to fund over 2,000 projects to improve water quality, to protect and restore native habitat and species, to prevent and control invasive species and to address other Great Lakes environmental problems. As a result, about 642 miles of Great Lakes shoreline, about 17,500 acres of coastal wetlands, and more than 180,000 acres of habitat overall have been protected, restored and enhanced.

Working with non-federal partners, including states, municipalities and industry, the GLLA has funded almost \$650 million in contaminated sediment remediation, of which about \$275 million has been leveraged from non-governmental entities. To date, over 4 million cubic yards of contaminated sediment has been remediated through GLRI-associated projects.

Message

From: Bowman, Liz [Bowman.Liz@epa.gov]
Sent: 11/16/2017 3:55:59 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: RE: Requesting WOTUS QA Assistance

Oh yes, I gotcha ;)

From: Greenwalt, Sarah
Sent: Thursday, November 16, 2017 10:30 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Requesting WOTUS QA Assistance

If these are just talking points for him then I think it's fine to mention this. He often welcomes Congress to step in and legislate further when a statute is ambiguous and causes this much controversy.

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Bowman, Liz
Sent: Thursday, November 16, 2017 9:45 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Requesting WOTUS QA Assistance

Thank you all for help on this!

From: Drinkard, Andrea
Sent: Thursday, November 16, 2017 9:21 AM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Requesting WOTUS QA Assistance

On the last bullet, I will defer to you, but I wanted to flag that we don't typically take a position on what we want Congress to do or not do. I think the way you've worded it is pretty benign, but I wanted to note it nonetheless ☺

From: Greenwalt, Sarah
Sent: Wednesday, November 15, 2017 8:04 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: RE: Requesting WOTUS QA Assistance

I've listed a few thoughts below in red. Sorry, Liz, if I've added too much ☺

Can you summarize the debate over the WOTUS rule? For example, how and why was the rule passed and why is it being revised now?

- Under the Clean Water Act, EPA and the Department of the Army are charged with defining may define "waters of the U.S." under the Clean Water Act.
- There has been disagreement and court cases over time with how the agencies have defined it and applied in the field. In 2015, the agencies promulgated the most recent definition of "waters of the U.S.," which expanded the agencies' jurisdiction over certain waters. The courts are currently reviewing the 2015 rule and have halted its implementation while these cases are considered.
- In February 2017, the President signed the Executive Order telling the agencies to relook at the definition. EPA is following a two-step process to move quickly through this re-evaluation to provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.

How does the EPA define "navigable water"?

- The Clean Water Act defines navigable waters as "waters of the United States, including the territorial seas." While the 2015 Rule broadly defined "waters of the United States," the agencies are in the process of considering a revised definition that acknowledges the significant role States and stakeholders play in protecting their own waters, and respects the constitutional limitations of federal jurisdiction.

Does debate surrounding the WOTUS rule signal that Congress should revisit, update, or clarify the Clean Water Act in some way?

- EPA is focused on providing clarity on the scope of the Clean Water Act so that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and following the laws that are currently in place.
- Through our rulemaking process, EPA and the Army are engaging with a wide range of stakeholders to provide the clarity that is needed.
- EPA would welcome further clarification by Congress defining "waters of the United States."

Sarah A. Greenwalt

Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Drinkard, Andrea

Sent: Wednesday, November 15, 2017 4:50 PM

To: Bowman, Liz <Bowman.Liz@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Greenwalt, Sarah

<greenwalt.sarah@epa.gov>

Subject: RE: Requesting WOTUS QA Assistance

Hi Liz,

Here's what we pulled together. I know the Administrator does a very good job covering these issues, so hopefully what's below will be helpful in giving him some guideposts. Sarah, you may have some thoughts on how the Administrator would want to expand on what we provided as an answer to the second question.

Please let me know if need anything else/something different.

Can you summarize the debate over the WOTUS rule? For example, how and why was the rule passed and why is it being revised now?

- Under the Clean Water Act, EPA and the Department of the Army are charged with defining "waters of the U.S." under the Clean Water Act.
- There has been disagreement and court cases over time with how the agencies have defined it and applied in the field. The courts are currently reviewing the 2015 rule and have halted implementation while these cases are considered.
- In February 2017, the President signed the Executive Order telling the agencies to relook at the definition. EPA is following a two-step process to move quickly through this re-evaluation to provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.

How does the EPA define "navigable water"?

- The Clean Water Act defines navigable waters as "waters of the United States, including the territorial seas."

Does debate surrounding the WOTUS rule signal that Congress should revisit, update, or clarify the Clean Water Act in some way?

- EPA is focused on providing clarity on the scope of the Clean Water Act so that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and following the laws that are currently in place.
- Through our rulemaking process, EPA and the Army are engaging with a wide range of stakeholders to provide the clarity that is needed.

From: Bowman, Liz

Sent: Wednesday, November 15, 2017 1:30 PM

To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>

Subject: Requesting WOTUS QA Assistance

Administrator Pruitt will be participating in a discussion about WOTUS on Friday. Can you all help with a few topline **(three sentences max)** responses to the following questions? Could you get back to me by COB today please? Thank you for your help – Liz

Can you summarize the debate over the WOTUS rule? For example, how and why was the rule passed and why is it being revised now?

How does the EPA define “navigable water”?

Does debate surrounding the WOTUS rule signal that Congress should revisit, update, or clarify the Clean Water Act in some way?

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 2/21/2018 10:14:46 PM
To: Ross, David P [ross.davidp@epa.gov]; Brown, Byron [brown.byron@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: OW Talking Points for Western Governors Association Meeting

Just perfect. Thank you much!

From: Ross, David P
Sent: Wednesday, February 21, 2018 5:14 PM
To: Brown, Byron <brown.byron@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: OW Talking Points for Western Governors Association Meeting

Here you go. Please note that Region 8 may be sending additional information about a North Dakota primacy application for the underground injection control program. I'm taking a look to see if we need to provide talking points on a few other state-specific issues, but didn't want to delay these from the OW team.

WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 WOTUS rule and recodify the prior regulations. We're reviewing the 685,000 comments received and we're working to review them.
- The second step is to propose a new definition of WOTUS. We've received a lot of feedback from the federalism and tribal consultations and from the series of public meetings asking for pre-proposal recommendations on a revised definition.
- Apart from this two-step process, we recently finalized a rule to change the applicability date of the 2015 WOTUS rule to February 6, 2020.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.
- We are planning for additional discussions with state and tribal co-regulators in the near-future. On Tuesday, February 20th, we held a webinar on our Step 2 rulemaking for our state and tribal partners and we will be hosting fly-in for tribal stakeholders on March 6-7 and a State fly-in on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.

Conduit Theory

- Over the years, EPA has stated in a variety of contexts, but has not finalized through a rulemaking, that releases of pollutants to groundwater with a direct hydrologic connection to a jurisdictional surface water may require permits under the Clean Water Act.
- The courts have treated this issue differently, without providing clear guidance to the regulated community.
- On Tuesday, February 13, the agency signed a Federal Register notice seeking input from states, tribes and other interested stakeholders on how pollutants that are released into groundwater from point sources that have the potential to migrate through a direct hydrologic connection into a federally-protected surface water should be treated under the Clean Water Act.
- The agency wants to hear from all stakeholders about a number of key issues, including whether EPA should review and potentially revise or clarify any previous agency statements on this issue.

- The comment period will close May 21, 2018.

Pebble Mine

- In 2014 the Obama Administration issued what was widely considered a preemptive veto of the Pebble Limited Partnership mining project. This effectively brought the mine's application process and, more importantly, due process to a halt. Litigation resulted and continued into this Administration.
- Last May our Administration took the first step to rescind this due process denial and allowed the Pebble mine proponents to proceed and progress through the process. In EPA's settlement with Pebble Limited Partnership, we agreed not issue a final decision until the Corps of Engineers issues a Final Environmental Impact Statement or May 2021, whichever is earlier.
- After hearing directly from stakeholders and the people of Alaska, we announced in late January (January 26, 2018) that the agency is suspending its process to withdraw those proposed restrictions, leaving them in place while we receive more information on the potential mine's impact on the region's fisheries and natural resources. At this time EPA believes that any mining projects in the region would likely pose a risk to the world-class natural resources that exist there.
- This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar because the agency believes the risk to Bristol Bay may be unacceptable.
- The agency will be seeking additional public comment on the impact of the mining application on the proposed determination to better inform that analysis.

Water Infrastructure

- EPA estimates that more than \$650 billion is needed to maintain, upgrade and replace our nation's water infrastructure over next 20 years.
- Solution must be all-of-the-above strategy.

WIFIA

- In the past year EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program has made significant progress toward providing credit assistance.
- In July 2017 we invited 12 projects in nine states to apply for loans. These projects will leverage more than a billion dollars in private capital, in addition to other funding sources, including the State Revolving Fund (SRF) loans, to help finance a total of \$5.1 billion in water infrastructure investments. We are working to close these loans.
- EPA intends to open another funding round when sufficient appropriations become available.

EPA's FY2019 Budget

- EPA is also working to support this Presidential priority by supporting water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), and the Water Infrastructure Finance and Innovation Act (WIFIA) program.
- EPA's FY2019 proposed budget includes \$2.26 billion for the State Revolving Funds and \$20 million for WIFIA. The budget request includes \$84 million for drinking water programs to continue to partner with states, utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.

State Assumption of the CWA Section 404 program (Arizona and Oregon have previously expressed interest):

- EPA is working to facilitate state and tribal efforts for Clean Water Act Section 404 Program Assumption, through technical assistance, grants and other efforts.
- In June 2017, the Assumable Waters Federal Advisory Committee Act (FACA) Subcommittee submitted its report to EPA with recommendations for clarifying assumable waters.
- We are currently working to respond to the committee recommendation. EPA is committed to working actively with states to respond to the needs of the individual states who wish to assume the program.

Puget Sound No Discharge Zone:

- In July 2016, the Washington Department of Ecology issued a petition to the EPA to establish a No Discharge Zone (NDZ) ban on vessel sewage discharge in Puget Sound area waters.
- The decision to petition EPA came after more than four years of evaluation by the state, an extensive stakeholder outreach effort, and a public review period for a draft petition.
- In February 2017, EPA Region 10 determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for waters of Puget Sound. This determination is required by the Clean Water Act for a state to then proceed to finalize the proposed designation in accordance with state law.
- Washington Department of Ecology recently proposed a new rule to establish the NDZ. The public comment period opened on October 4, 2017 and closed on November 30, 2017.

Proposed Aluminum Aquatic Life Criteria Applicable to Oregon:

- EPA is under a consent decree deadline (from a Northwest Environmental Advocates lawsuit) to propose aluminum aquatic life criteria for the state of Oregon by 3/15/18.
- EPA is working with DOJ to request an extension in order to allow time for EPA to publish a final national 304(a) recommendation for aluminum before proposing aluminum criteria for Oregon. No decision to date.

Water Quality Standards for the state of Washington:

- On November 15, 2016, EPA approved 45 human health criteria (HHC) and disapproved 143 HHC submitted by Washington. EPA issued a final rule that revised certain HHC applicable to Washington's waters. EPA also approved Washington's revisions to its variance and compliance schedule provisions, which give the state and affected industries and municipalities reasonable flexibility and time to implement these new standards while making reasonable progress in improving water quality.
- On December 28, 2016, the WQS became effective for CWA purposes.
- There is no current litigation on EPA's federal rule for HHC in Washington. However, on February 21, 2017, Northwest Environmental Advocates filed a complaint regarding EPA's failure to respond to its 2013 petition for rulemaking under the Clean Water Act to update Washington's human health and aquatic life criteria. EPA denied the petition on May 31, 2017, and the litigation was dismissed. We are currently responding to a related FOIA request from Northwest Environmental Advocates for all information that EPA considered in responding to the petition.
- Also on February 21, 2017, several industry groups (including Association of Washington Businesses, Northwest Pulp & Paper Association, and American Forest & Paper Association) filed a petition requesting EPA reconsider its action on the state rule and repeal or withdraw the federal rule. Within five months of EPA receiving the industry petition, Earthjustice (on behalf of Waterkeepers Washington), Northwest Indian Fisheries Commission, and the Jamestown S'Klallam Tribe sent EPA letters requesting that EPA deny the petition.
- EPA and the State of Washington are actively engaged in collaboration with stakeholders on implementation of the HHC for PCBs, especially in the Spokane River, where EPA is a participant on the Spokane River Regional Toxics Task Force, along with affected parties such as the City of Spokane.
- Washington is considering several Clean Water Act regulatory tools, such as variances and compliance schedules, and other strategies to reduce levels of toxic pollutants, such as PCBs. The tools provide a greater degree of regulatory certainty, while continuing to evaluate options to reduce PCBs and other pollutants discharged to the Spokane River.

PFAS Talking Points (Note: we understand there may be PFAS issues in Alaska and Colorado):

Key message: Protecting public health is EPA's highest priority and EPA is working to ensure that states, tribes and communities have the tools they need to address PFAS.

- Administrator Pruitt directed a cross agency group to develop an action plan to address the needs of impacted communities.
- The group is working to identify near-term actions to support local communities; enhance coordination with states, tribes and federal partners; increase ongoing research efforts; and expand proactive communications.
- EPA is providing technical assistance to states and communities as we work together to address drinking water contamination from other PFAS.

- In 2016, EPA issued a health advisory of 70 parts per trillion (ppt) for PFOA and PFOS in drinking water to provide drinking water system operators, and state, tribal and local officials with information on the health risks of these chemicals, so they can take the appropriate actions to protect their residents.

From: Brown, Byron

Sent: Wednesday, February 21, 2018 1:40 PM

To: Ross, David P <ross.davidp@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Bennett, Tate <Bennett.Tate@epa.gov>

Subject: RE: OW Talking Points for Western Governors Association Meeting

Just a reminder to send any OW related talking points for the upcoming Western Governors meeting. Let Tate and me know if you have any questions. Thanks.

From: Brown, Byron

Sent: Friday, February 16, 2018 2:39 PM

To: Ross, David P <ross.davidp@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Bennett, Tate <Bennett.Tate@epa.gov>

Subject: OW Talking Points for Western Governors Association Meeting

The Administrator is scheduled to host the Western Governors Association on Sunday Feb. 25, and I am working with Tate to pull together a set of talking points. So far we expect the governors of Alaska, Colorado, Hawaii, Kansas, Montana, North Dakota, New Mexico, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming to attend.

Can you send us updated talking points for the meeting on WOTUS, Pebble Mine, state assumption, Puget Sound no discharge zone, conduit theory, water infrastructure, and any other hot-button water issues involving these states? We'd like to get drafts by COB on Wednesday 2/21 if possible. Let Tate and me know if you have questions. Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 9/30/2017 1:41:41 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
CC: Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Letendre, Daisy [letendre.daisy@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Graham, Amy [graham.amy@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Re: Homebuilders Annual Meeting- Next Week

Thank you!

On Sep 30, 2017, at 5:36 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Tate,

Please see below.

Sent from my iPad

Begin forwarded message:

From: "Goodin, John" <Goodin.John@epa.gov>
Date: September 29, 2017 at 11:35:45 PM GMT+2
To: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Cc: "Shapiro, Mike" <Shapiro.Mike@epa.gov>
Subject: RE: Homebuilders Annual Meeting- Next Week

Folks-- Here are the current TPs for WOTUS for review/forwarding, though they are not in the Administrator's voice. The only tweak I made below was to the items related to the closing of the Step 1 comment period (now passed), the NAHB audience for the webinar, and a bracketed placeholder for comment numbers if we have an update before Tuesday (for now it is "over 200,000").

Thanks,
John

WOTUS (NAHB)

- <!--[if !supportLists]--><!--[endif]-->The February 28, 2017 Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

- <!--[if !supportLists]--><!--[endif]-->The E.O. directs that EPA and the Army “shall consider interpreting the term ‘navigable waters’” in a manner “consistent with Justice Scalia’s opinion” in *Rapanos*. Justice Scalia’s opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.
- <!--[if !supportLists]--><!--[endif]-->EPA and the Department of the Army are in the process of reviewing and revising the scope of “waters of the United States” that are protected under the Clean Water Act, and we are doing so in a two-step process.

Step One

- On June 27th, the agencies signed the step one proposed rule and it was published in the Federal Register on July 27th. The public comment period closed on September 27th. We received [over 200,000] comments and are eager to review them.
- The proposed rule is an interim step that would re-codify the regulatory text that existed prior to 2015, providing regulatory continuity and certainty pending a forthcoming second rulemaking in which the agencies will revise the definition of “waters of the United States” in accordance with the Executive Order.
- To be clear, when final, this action would not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance, and longstanding practice, given the current court stay.

Step Two

- <!--[if !supportLists]--><!--[endif]-->In addition to step one, the agencies have also begun working on the step two rulemaking to revise the definition of “waters of the U.S.” This spring the agencies initiated formal consultations with state and local governments and with tribes and we are now in the process of reviewing and analyzing about 200 letters received.

- <!--[if !supportLists]--><!--[endif]-->Some of the key themes we heard from states were an interest in capturing regional differences in the revised definition, including exclusions, and ensuring that any new regulation be very clear.
 - <!--[if !supportLists]--><!--[endif]-->Most tribes urged the agencies to protect waters broadly.
 - <!--[if !supportLists]--><!--[endif]-->The agencies will continue to engage with states and tribal governments as the step 2 rulemaking process continues.
- <!--[if !supportLists]--><!--[endif]-->There has been a lot of interest in the feedback we have received as part of our consultations. EPA recently posted the letters to our WOTUS website.
 - The EPA and Department of Army are holding listening sessions to give stakeholders an opportunity to provide pre-proposal recommendations on a revised definition of “waters of the United States.” The agencies will host nine two-hour teleconferences that will be tailored to specific sectors, plus one that will be geared to the general public. The agencies will also hold one in-person session for small entities, such as small businesses, small governments, and small associations.
 - <!--[if !supportLists]--><!--[endif]-->You may be especially interested in the one for Industry – that conference call/webinar will be held on October 24 from 1:00PM to 3:00PM EDT.
 - <!--[if !supportLists]--><!--[endif]-->The agencies will also be accepting written recommendations on the step two rulemaking effort through a non-regulatory docket (EPA-HQ-OW-2017-0480) on [regulations.gov](https://www.regulations.gov). You can find a link on our website. The agencies ask that this information be submitted on or before November 28, 2017.

- <!--[if !supportLists]--><!--[endif]-->Information gathered through these stakeholder sessions, in addition to the feedback the agencies are hearing through ongoing outreach to state and tribal governments, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.
- <!--[if !supportLists]--><!--[endif]-->In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.
- <!--[if !supportLists]--><!--[endif]-->More information regarding the step one proposal and the step two pre-proposal outreach can be found on our website at www.epa.gov/wotus-rule.

From: Forsgren, Lee

Sent: Friday, September 29, 2017 5:09 PM

To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>

Subject: Fwd: Homebuilders Annual Meeting- Next Week

Can we get Sarah some updated WOTUS talking points.

Sent from my iPhone

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>

Date: September 29, 2017 at 4:27:35 PM EDT

To: "Bolen, Brittany" <bolen.brittany@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Darwin, Henry" <darwin.henry@epa.gov>

Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Hupp, Millan" <hupp.millan@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "Letendre, Daisy" <letendre.daisy@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Gordon, Stephen" <gordon.stephen@epa.gov>, "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>

Subject: Homebuilders Annual Meeting- Next Week

Pruitt will be visiting Colorado Springs next Thursday 10/5 to address the National Association of Homebuilders at their annual meeting. Team, do all of you mind providing Stephen, Daisy and I (SHORT)

updates/ talking points to be included in Pruitt's binder by noon Monday? We will need to have his binder ready to go by COB Tuesday.

- <!--[if !supportLists]--><!--[endif]-->**Regulatory Reform Taskforce Update (Daisy/ Brittany)**
- <!--[if !supportLists]--><!--[endif]-->**Stormwater Permitting (Lee/ Sarah)**
- <!--[if !supportLists]--><!--[endif]-->**WOTUS (Sarah)**
- <!--[if !supportLists]--><!--[endif]-->**Update on Permitting Streamlining in General (Henry)**

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 10/3/2017 4:43:32 PM
To: Ferguson, Lincoln [ferguson.lincoln@epa.gov]
CC: Hupp, Millan [hupp.millan@epa.gov]; Ford, Hayley [ford.hayley@epa.gov]; Graham, Amy [graham.amy@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Subject: Revised Homebuilders Memo
Attachments: Homebuilders Memo.docx

Added the names of the homebuilder small roundtable attendees. Do you mind going with this version, Lincoln? Thanks all!

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

TO: Administrator Pruitt
FROM: Office of Public Engagement
DATE: Wednesday, Thursday, October 3, 4, 2017
RE: National Association of Homebuilders (NAHB) Annual Meeting

AGENDA

Wednesday, October 3

Dinner with Mr. and Mrs. Grove

Thursday, October 4

9:00 – 10:15 AM— Small roundtable with industry leaders. Jerry Howard, CEO of NAHB will welcome and introduce Mr. Pruitt.

Attendees (16-20 people):

CAHB	Scott	Smith
HBA	Renee	Zentz
Assoc General Contractors	TBD	
NAHB	Jim	Tobin
NAHB	Owen	McDonough
NAHB	Jerry	Howard
EPA	Scott	Pruitt
	Doug	Stimple
Woodford Manufacturing	Steve	Woodford
GE Johnson	Jim	Johnson
GE Johnson	Joe	Weimerskirsh
Nor'Wood	Ralph	Braden
Saint Aubyn Homes	Jared	St. Aubyn
Oakwood Homes	Bruce	Rau

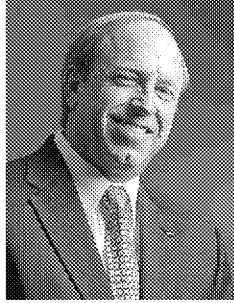
10:15— 11: 15 AM— Break/ Staff Time

11:20— 12:30— Lunchtime Speech and Q&A. (~300 people)

Mayor of Colorado Springs, John Suthers, will introduce both Jerry Howard and Mr. Pruitt.

BIO FOR MAYOR SUTHERS

John William Suthers is the current Mayor of Colorado Springs, Colorado, and the former Attorney General of Colorado, U.S. Attorney for Colorado and Fourth Judicial District Attorney.



ISSUES

NEPA/ 404 Permitting

- A 2002 study by the homebuilders found that it takes an average of 788 days and \$271,596 to obtain an individual CWA Section 404 permit. It takes 313 days and \$28,915 for a “streamlined” nationwide permit. Importantly, these ranges do not consider the cost of mitigation. That can be exorbitant, ranging from an estimated \$25,000 to \$50,000 per acre nationwide. This is unacceptable.
- We are working with other federal agencies to plan big multi-agency processes improvement event for NEPA - to meet the President’s expectation that the NEPA process be reduced to less than 2 years. This is in addition to the policy changes that are being considered to streamline the NEPA process.
- Creating an inventory (for the first time!) of all the permits EPA issues and how long it takes to issue them. Also creating an inventory of the state-issued permits EPA is required by law to review and how long our review takes.
- Will prioritize the list of permits by: those issued the most, take the longest, and have the biggest impact on the economy.
- Will perform process improvement events by the first of the calendar year on the prioritized permits with the goal of reducing the time to issue by at least 50% (interviewing consultants on contract right now to see which are capable).
- Working with states through Cooperative Federalism 2.0 to identify opportunities for reducing the amount of time for the issuance of permits EPA must review – on a voluntary basis.

WOTUS

Main concerns of homebuilders: isolated ponds, ditches and channels—If WOTUS expands to isolated ponds, ditches and channels that only flow when it rains – as it would have under the expansive 2015 rule – more home building activities will require costly, time-consuming federal permits.

Status Update:

Step One

- On June 27th, the agencies signed the step one proposed rule and it was published in the Federal Register on July 27th. The public comment period closed on September 27th. **We received [over 200,000] comments and are eager to review them.**
- The proposed rule is an interim step that would re-codify the regulatory text that existed prior to 2015, providing regulatory continuity and certainty pending a forthcoming second rulemaking in which the agencies will revise the definition of “waters of the United States” in accordance with the Executive Order.
- To be clear, when final, this action would not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance, and longstanding practice, given the current court stay.

Step Two

- In addition to step one, the agencies have also begun working on the step two rulemaking to revise the definition of “waters of the U.S.” **This spring the agencies initiated formal consultations with state and local governments and with tribes and we are now in the process of reviewing and analyzing about 200 letters received.**
 - Some of the key themes we heard from states were an interest in capturing regional differences in the revised definition, including exclusions, and ensuring that any new regulation be very clear.
 - Most tribes urged the agencies to protect waters broadly.
 - The agencies will continue to engage with states and tribal governments as the step 2 rulemaking process continues.
- There has been a lot of interest in the feedback we have received as part of our consultations. EPA recently posted the letters to our WOTUS website.
- The EPA and Department of Army are holding listening sessions to give stakeholders an opportunity to provide pre-proposal recommendations on a revised definition of “waters of the United States.” The agencies will host nine two-hour teleconferences that will be tailored to specific sectors, plus one that will be geared to the general public. The agencies will also hold one in-person session for small entities, such as small businesses, small governments, and small associations.
- You may be especially interested in the one for Industry – that conference call/webinar will be held on October 24 from 1:00PM to 3:00PM EDT.

- You can find a link on our website. The agencies ask that this information be submitted on or before November 28, 2017.
- Information gathered through these stakeholder sessions, in addition to the feedback the agencies are hearing through ongoing outreach to state and tribal governments, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.
- In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 6/1/2017 5:48:33 PM
To: McMurray, Forrest [mcmurray.forrest@epa.gov]
CC: Greaves, Holly [greaves.holly@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]
Subject: RE: Call with Governor Hogan briefing material
Attachments: Gov.HoganCall.docx

Memo attached. Can you also print and include this relevant article in there too?

<http://www.baltimoresun.com/news/maryland/investigations/bs-md-hogan-environment-spending-20170401-story.html>

From: McMurray, Forrest
Sent: Thursday, June 1, 2017 9:36 AM
To: Greaves, Holly <greaves.holly@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Call with Governor Hogan briefing material

Good morning everyone,

I am trying to get the Administrator's binder together for Friday. Do you all have any briefing material for the Administrator in regards to the call with Governor Hogan? If you do, please send that over to me sometime today so I can get it into the binder. Thanks guys!

Forrest McMurray
Special Assistant of Scheduling and Advance
U.S. Environmental Protection Agency
Office: 202-564-5088
Cell: 202-308-6281

TO: Administrator Pruitt
FROM: Tate Bennett
CC: Troy Lyons, Holly Greaves, Sarah Greenwalt, Ken Wagner
DATE: June 2, 2017
RE: Phone Call with MD Governor Larry Hogan

Topline: This call at 11:15 is a political opportunity for Gov. Hogan. He will ask you to advocate to Congress and POTUS to maintain Chesapeake Bay program funding (\$72.8 M), of which is eliminated in the President's FY 18 Budget.

Talking Points:

- I promise to work with you, Congress and the Chesapeake Bay Commission to ensure the environmental needs of the Chesapeake Bay Region are met.
- This budget request focuses on funding core programs, streamlining existing programs and giving states the flexibility they need to make programs more efficient.
- EPA is committed to improving environmental conditions for those that live and work in the Chesapeake Bay region. The EPA will continue to engage in meaningful discussions about how shared environmental goals related to this region can be achieved.
- I'm sorry I cannot make the June 8th meeting of the Chesapeake Bay Commission in Annapolis, however several members of my senior staff will be in attendance (Ken, Troy, Tate).

Relevant Recent News:

- On Wednesday of this week, Former NAACP President Ben Jealous announced he will run for Governor on the Democratic ticket for governor in 2018 when Gov. Hogan is up for re-election.
- In March, the MD State Senate passed a resolution calling on Gov. Hogan to publically oppose President Trump's budget proposal to eliminate \$72.8 M in federal program dollars to oversee Chesapeake Bay cleanup. **Gov. Hogan's opposition is consistently trying to tie him to Trump's Budget (see section below on Chesapeake Bay funding).**
- June 8th is the annual meeting in Annapolis of the Chesapeake Bay Commission. (Ken, Troy and Tate will attend).

Issues:

Chesapeake Bay Program Funding- Gov. Hogan is the Chairman of the Chesapeake Bay Council and will ask you to advocate for full funding for this program (\$72.8 M).

Chesapeake Bay Office Location- Section 117(b) of the CWA calls for the Administrator of the EPA to maintain an office for the Chesapeake Bay Program. It is currently housed in Annapolis however, because it has been deemed to be located on a Flood Plane (and per GSA), we will soon have to decide as to where to relocate the office. Gov. Hogan likely will not bring this up, but he clearly would prefer it to be located in MD. The office represents watershed states (Delaware, Maryland, New York, Virginia, Pennsylvania, and West Virginia), the District of Columbia, the Chesapeake Bay Commission, and the EPA (representing the federal government).

- **TMDL's and Conowingo Dam-** This is a large [[HYPERLINK "https://en.wikipedia.org/wiki/Hydroelectric"](https://en.wikipedia.org/wiki/Hydroelectric) \o "Hydroelectric"] [[HYPERLINK "https://en.wikipedia.org/wiki/Dam"](https://en.wikipedia.org/wiki/Dam) \o "Dam"] in the lower [[HYPERLINK "https://en.wikipedia.org/wiki/Susquehanna_River"](https://en.wikipedia.org/wiki/Susquehanna_River) \o "Susquehanna River"]. It is currently having leakage issues as scientists say, the dam's reservoir can hold no more nitrogen, phosphorus, or sediment — what comes into the reservoir goes out. Gov. Hogan is worried this will impact the state DEQ's ability to meet their target TMDL's due in 2025. While structural issues are up to the USACE, they will ask our help in providing scientific water expertise in how to meet the TMDL.

The 2016 target for implementing actions to stay on track for TMDL reduction goals was 45%. The targets were met for phosphorus (81%) and sediment (48%), but not for nitrogen (31%).

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 3/23/2018 2:18:02 PM
To: Washington, Valerie [Washington.Valerie@epa.gov]
Subject: For Printing - FW: Backgrounders/ Talking Points for CA/WY
Attachments: CA.Airmap.pdf; CA.Airmap2.pdf; CA and WY Air TP's.docx; CA and WY Water T'P's.docx; CA.WY. Talking points on S1140.Water.DOCX; CA WY OCSPP TP's.docx; Region 9 MarchARB.docx; Region 9 Superfund Orange Co North Basin March 2018.docx

Sarah A. Greenwalt

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Bennett, Tate
Sent: Thursday, March 22, 2018 4:26 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Daniell, Kelsi <daniell.kelsi@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>
Subject: Backgrounders/ Talking Points for CA/WY

Lincoln and Advance:

For the Admin's binder- please see attached talkers prepared by the programs for the Admin's travel next week. Stephen will follow-up with memos for each event next week. No small task as it's a busy week!

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 9/30/2017 9:34:36 AM
To: Goodin, John [Goodin.John@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Shapiro, Mike [Shapiro.Mike@epa.gov]
Subject: Re: Homebuilders Annual Meeting- Next Week

Thanks John!

Sent from my iPad

On Sep 29, 2017, at 11:35 PM, Goodin, John <Goodin.John@epa.gov> wrote:

Folks-- Here are the current TPs for WOTUS for review/forwarding, though they are not in the Administrator's voice. The only tweak I made below was to the items related to the closing of the Step 1 comment period (now passed), the NAHB audience for the webinar, and a bracketed placeholder for comment numbers if we have an update before Tuesday (for now it is "over 200,000").

Thanks,
John

WOTUS (NAHB)

- <!--[if !supportLists]--><!--[endif]-->The February 28, 2017 Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.
- <!--[if !supportLists]--><!--[endif]-->The E.O. directs that EPA and the Army "shall consider interpreting the term 'navigable waters'" in a manner "consistent with Justice Scalia's opinion" in *Rapanos*. Justice Scalia's opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.
- <!--[if !supportLists]--><!--[endif]-->EPA and the Department of the Army are in the process of reviewing and revising the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process.

Step One

- On June 27th, the agencies signed the step one proposed rule and it was published in the Federal Register on July 27th. The public comment period closed on September 27th. We received [over 200,000] comments and are eager to review them.
- The proposed rule is an interim step that would re-codify the regulatory text that existed prior to 2015, providing regulatory continuity and certainty pending a forthcoming second rulemaking in which the agencies will revise the definition of “waters of the United States” in accordance with the Executive Order.
- To be clear, when final, this action would not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance, and longstanding practice, given the current court stay.

Step Two

- <!--[if !supportLists]--><!--[endif]-->In addition to step one, the agencies have also begun working on the step two rulemaking to revise the definition of “waters of the U.S.” This spring the agencies initiated formal consultations with state and local governments and with tribes and we are now in the process of reviewing and analyzing about 200 letters received.
 - <!--[if !supportLists]--><!--[endif]-->Some of the key themes we heard from states were an interest in capturing regional differences in the revised definition, including exclusions, and ensuring that any new regulation be very clear.
 - <!--[if !supportLists]--><!--[endif]-->Most tribes urged the agencies to protect waters broadly.
 - <!--[if !supportLists]--><!--[endif]-->The agencies will continue to engage with states and tribal governments as the step 2 rulemaking process continues.
- <!--[if !supportLists]--><!--[endif]-->There has been a lot of interest in the feedback we have received as part of our consultations. EPA recently posted the letters to our WOTUS website.
- The EPA and Department of Army are holding listening sessions to give stakeholders an opportunity to provide pre-proposal recommendations on a revised definition of “waters

of the United States.” The agencies will host nine two-hour teleconferences that will be tailored to specific sectors, plus one that will be geared to the general public. The agencies will also hold one in-person session for small entities, such as small businesses, small governments, and small associations.

- <!--[if !supportLists]--><!--[endif]-->You may be especially interested in the one for Industry – that conference call/webinar will be held on October 24 from 1:00PM to 3:00PM EDT.
 - <!--[if !supportLists]--><!--[endif]-->The agencies will also be accepting written recommendations on the step two rulemaking effort through a non-regulatory docket (EPA-HQ-OW-2017-0480) on [regulations.gov](http://www.regulations.gov). You can find a link on our website. The agencies ask that this information be submitted on or before November 28, 2017.
 - <!--[if !supportLists]--><!--[endif]-->Information gathered through these stakeholder sessions, in addition to the feedback the agencies are hearing through ongoing outreach to state and tribal governments, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.
 - <!--[if !supportLists]--><!--[endif]-->In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.
- <!--[if !supportLists]--><!--[endif]-->More information regarding the step one proposal and the step two pre-proposal outreach can be found on our website at www.epa.gov/wotus-rule.

From: Forsgren, Lee

Sent: Friday, September 29, 2017 5:09 PM

To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>

Subject: Fwd: Homebuilders Annual Meeting- Next Week

Can we get Sarah some updated WOTUS talking points.

Sent from my iPhone

Begin forwarded message:

From: "Bennett, Tate" <Bennett.Tate@epa.gov>

Date: September 29, 2017 at 4:27:35 PM EDT

To: "Bolen, Brittany" <bolen.brittany@epa.gov>, "Forsgren, Lee"

<Forsgren.Lee@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Darwin, Henry" <darwin.henry@epa.gov>

Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Hupp, Millan" <hupp.millan@epa.gov>,

"Graham, Amy" <graham.amy@epa.gov>, "Letendre, Daisy" <letendre.daisy@epa.gov>,

"Lyons, Troy" <lyons.troy@epa.gov>, "Gordon, Stephen" <gordon.stephen@epa.gov>,

"Cory, Preston (Katherine)" <Cory.Preston@epa.gov>, "Ferguson, Lincoln"

<ferguson.lincoln@epa.gov>

Subject: Homebuilders Annual Meeting- Next Week

Pruitt will be visiting Colorado Springs next Thursday 10/5 to address the National Association of Homebuilders at their annual meeting. Team, do all of you mind providing Stephen, Daisy and I (SHORT) updates/ talking points to be included in Pruitt's binder by noon Monday? **We will need to have his binder ready to go by COB Tuesday.**

- <!--[if !supportLists]--><!--[endif]-->**Regulatory Reform Taskforce Update (Daisy/ Brittany)**
- <!--[if !supportLists]--><!--[endif]-->**Stormwater Permitting (Lee/ Sarah)**
- <!--[if !supportLists]--><!--[endif]-->**WOTUS (Sarah)**
- <!--[if !supportLists]--><!--[endif]-->**Update on Permitting Streamlining in General (Henry)**

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 9/25/2017 10:23:01 PM
To: Kelly, Albert [kelly.albert@epa.gov]
Subject: FW: pruit invite

Sarah A. Greenwalt

Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Greenwalt, Sarah
Sent: Friday, September 22, 2017 6:53 PM
To: Kelly, Albert <kelly.albert@epa.gov>
Subject: FW: pruit invite

Sarah A. Greenwalt

Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Drinkard, Andrea
Sent: Friday, September 22, 2017 5:08 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Re: pruit invite

Here are some TPs for WOTUS. Let me know if this works or if you need something different. Thanks.

WOTUS

· The February 28, 2017 Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

· The E.O. directs that EPA and the Army "shall consider interpreting the term 'navigable waters'" in a manner "consistent with Justice Scalia's opinion" in *Rapanos*. Justice Scalia's opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.

- EPA and the Department of the Army are in the process of reviewing and revising the scope of “waters of the United States” that are protected under the Clean Water Act, and we are doing so in a two-step process.

Step One

- On June 27, the agencies signed the step one proposed rule and it was published in the Federal Register on July 27th. The public comment period closes on September 27th. We are eager to hear any comments that you have on the step one rulemaking.
- The proposed rule is an interim step that would re-codify the regulatory text that existed prior to 2015, providing regulatory continuity and certainty pending a forthcoming second rulemaking in which the agencies will revise the definition of “waters of the United States” in accordance with the Executive Order.
- To be clear, when final, this action would not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance, and longstanding practice, given the current court stay.

Step Two

- In addition to step one, the agencies have also begun working on the step two rulemaking to revise the definition of “waters of the U.S.” This spring the agencies initiated formal consultations with state and local governments and with tribes and we are now in the process of reviewing and analyzing about 200 letters received. The letters are available on our website.
- The EPA and Department of Army are holding listening sessions to give stakeholders an opportunity to provide pre-proposal recommendations on a revised definition of “waters of the United States.” The agencies will host nine two-hour teleconferences that will be tailored to specific sectors, plus one that will be geared to the general public. We’ve just heard from small entities on a call yesterday. The agencies will also hold one in-person session for small entities, such as small businesses, small governments, and small associations.
- The agencies will also be accepting written recommendations on the step two rulemaking effort through a non-regulatory docket (EPA-HQ-OW-2017-0480) on regulations.gov. You can find a link on our website. The agencies ask that this information be submitted on or before November 28, 2017.
- Information gathered through these stakeholder sessions, in addition to the feedback the agencies are hearing through ongoing outreach to state and tribal governments, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.
- In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.

- More information regarding the step one proposal and the step two pre-proposal outreach can be found on our website at www.epa.gov/wotus-rule.

Sent from my iPhone

On Sep 22, 2017, at 4:50 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Andrea,

Can you get Tate the most recent WOTUS talking points we are using.

Lee

From: Bennett, Tate

Sent: Friday, September 22, 2017 4:48 PM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Ford, Hayley <ford.hayley@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: Re: pruit invite

Hey team OW! Do you have any updates on WOTUS talking points? He's addressing a group Monday night who will be curious for an update. If not, no worries.

On Sep 22, 2017, at 4:46 PM, Stanley, Michele <mstanley@nssga.org> wrote:

Apologies, I thought I had sent everything over. I'm losing my mind! Here are the issues.

- NSSGA is interested in general terms the status of the response to the President's order on regulatory reform and what plans EPA is implementing generally. What can we expect over the next 12 months.
- In particular, an update on WOTUS would be helpful WOTUS.

There will be about 250 in the room and Kermit Frank from Dolese Brothers in Oklahoma City will be introducing him. If you'd like to see the introduction we've prepared, just let me know and I can send it over.

Regards,
Michele

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Friday, September 22, 2017 12:53 PM

To: Stanley, Michele <mstanley@nssga.org>

Cc: Ford, Hayley <ford.hayley@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: RE: pruit invite

Any word on the speaking topics and also roughly how many folks will be in the room? Also, who will be introducing him?

From: Stanley, Michele [<mailto:mstanley@nssga.org>]

Sent: Tuesday, September 19, 2017 8:34 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Ford, Hayley <ford.hayley@epa.gov>

Subject: Re: pruit invite

We will circle back with you tomorrow morning. Thank you for reaching out.

Sent from my iPhone

On Sep 19, 2017, at 7:57 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hi Michele! Do you have a list of topics your members would like to hear about next week?

On Sep 14, 2017, at 3:02 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Michele,

Thank you for that information. He'll be glad to know that. We look forward to it!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Stanley, Michele [<mailto:mstanley@nssga.org>]

Sent: Thursday, September 14, 2017 1:12 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Subject: Re: pruit invite

We just received confirmation that Secretary Zinke will be speaking at 5:30 after the Administrator. Let me know what all you need on that.

Michele

Sent from my iPhone

On Sep 12, 2017, at 3:23 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Tate will run point on looping in with Comms and will reach out as it approaches.

Thanks!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: O'Neill-Kaumo, Laura [<mailto:loaneill@nssga.org>]

Sent: Tuesday, September 12, 2017 3:20 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Stanley, Michele <mstanley@nssga.org>; Hupp, Millan <hupp.millan@epa.gov>

Subject: Re: pruit invite

Excellent. Thank you so much. And again plug us into your Comms dept so we can coordinate in a way your team prefers.

Sent from my iPhone

On Sep 12, 2017, at 3:19 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hi Laura,

Yes, we are confirmed. The other event was moved so we are set to do this.

We will be in touch as it approaches but please let me know if you need anything from us.

Thank you!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: O'Neill-Kaumo, Laura [<mailto:loaneill@nssga.org>]

Sent: Tuesday, September 12, 2017 1:58 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Stanley, Michele <mstanley@nssga.org>

Subject: Re: pruit invite

Hi,

Are we still looking good for Mr. Pruitt?

Sent from my iPhone

On Sep 6, 2017, at 6:31 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hello Michele,

Thank you for completing. We would really like to do this event and would like to tentatively confirm. There is an all-day event at the White House that day and we are still determining the ask for the Administrator. We hope that we can make this work though. Would it be ok for us to confirm exact timing at a later date, when we've been able to nail down our other events for that day? We will plan for 5:10 to begin remarks for now and will let you know if that changes.

Additionally, it'd be great if you could update us when/if Secretary Zinke accepts the invitation so that the Administrator can be aware.

Thank you and we look forward to it!

Hayley Ford

Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Stanley, Michele [<mailto:mstanley@nssga.org>]
Sent: Wednesday, September 6, 2017 12:43 PM
To: Ford, Hayley <ford.hayley@epa.gov>; O'Neill-Kaumo, Laura <loneill@nssga.org>
Cc: Hupp, Millan <hupp.millan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: pruit invite

Here you go! Any questions, don't hesitate it reach out.

<image001.jpg>

Michele Stanley

Director of Government Affairs
National Stone, Sand and Gravel Association
66 Canal Center Plaza, Suite 300
Alexandria, VA 22314
Direct: 703-526-1093
mstanley@nssga.org

From: Ford, Hayley [<mailto:ford.hayley@epa.gov>]
Sent: Wednesday, September 6, 2017 10:41 AM
To: O'Neill-Kaumo, Laura <loneill@nssga.org>; Stanley, Michele <mstanley@nssga.org>
Cc: Hupp, Millan <hupp.millan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: pruit invite

Laura and Michele,

Thank you for the below request. I am handling the Administrator's scheduling and would be happy to bring your request to our scheduling team. Could you please complete the attached speaking request form with as much information as you can provide? We will be able to let you know shortly if we're able to confirm.

Thank you and we appreciate the invitation!

Hayley Ford

Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: "O'Neill-Kaumo, Laura" <loneill@nssga.org>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>

Cc: "Stanley, Michele" <mstanley@nssga.org>

Subject: Fwd: pruit invite

Tate,
Thanks for the outreach yesterday. Attached is the invitation for Mr. Pruitt. Again, we would be extremely grateful for an appearance. We can be flexible on time between 5-7pm. Also our comms department can work with yours and coordinate a message. The EPA reforms are a big priority for us and Mr Pruitt is viewed as welcomed agent of change. Please let us know.

Thank you so much!
Laura.

Sent from my iPhone

Begin forwarded message:

From: "Stanley, Michele" <mstanley@nssga.org>

Date: September 6, 2017 at 8:31:29 AM EDT

To: "O'Neill-Kaumo, Laura" <loneill@nssga.org>

Subject: pruit invite

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 7/15/2017 8:20:07 PM
To: Letendre, Daisy [letendre.daisy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]; Graham, Amy [graham.amy@epa.gov]; McMurray, Forrest [mcmurray.forrest@epa.gov]
Subject: RE: WOTUS Roundtable invitees
Attachments: WOTUS TopLine - plus Utah Minn Ark (SG edits).docx

Please see attached for my edits.

Also, Tate and I are thinking it would be good to separate all of the information (like TPs) by day so that it's easily digestible. The WOTUS top lines should be on each day's TP followed by State-specific information.

So, we're thinking that for each day we'll have the following:

- Schedule
- WOTUS and State-specific TPs
- Substantive State-specific WOTUS info (Letters, questions for each meetings, etc.)

Open to any other ideas! But we do need to have these printed out and ready to go Monday morning.

Sarah A. Greenwalt

Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Letendre, Daisy
Sent: Friday, July 14, 2017 5:10 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>
Subject: RE: WOTUS Roundtable invitees

Preston, here is the supplemental for the meeting with the governor. Additionally I've added it into the document attached.

Regional Haze

- The Regional Haze Rule implements sections 169A and 169B of the Clean Air Act by setting out the requirements that states must follow when submitting plans to protect visibility in 156 national parks and wilderness areas.
 - There are **five** national parks in Utah and **31** national wilderness areas
- Last June the Obama EPA disapproved of a portion of Utah's regional haze SIP and adopted a FIP to meet the requirement for NOx for two power plants
- EPA is now initiating the process to open the FIP so that Utah can replace that with a SIP that better reflects local needs
- EPA is working with Utah and providing proactive technical support to insure that Utah is set up for long-term success

Tribal NSR FIP

- On the Uintah (yoo-in-tah) and Ouray (or-ray) (U&O) Reservation, oil and natural gas minor source permits are currently being issued under the National Oil and Natural Gas Federal Implementation Plan (FIP).
 - However, if the Uinta Basin is designated nonattainment for the 2015 ozone NAAQS, the National Oil and Natural Gas FIP will no longer apply
 - Areas designated as nonattainment are required to submit a SIP that demonstrates emissions reductions to bring the area into compliance with the NAAQS.
 - Industry representatives and the Ute Indian Tribe have emphasized that EPA should develop a mechanism to allow EPA to continue to issue minor source permits after nonattainment designation.
- Utah has jurisdictional responsibility for the lands outside of Indian Country, where approximately 90 percent of the population is located. Normally, the State regulates oil and gas emissions via NSR

From: Bennett, Tate

Sent: Friday, July 14, 2017 2:55 PM

To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>

Subject: FW: WOTUS Roundtable invitees

Schedule for Utah. No major changes but wanted to flag for Amy for press purposes. Daisy- see talking points

From: Alan Matheson [<mailto:amatheson@utah.gov>]

Sent: Friday, July 14, 2017 2:49 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Justin Harding <jharding@utah.gov>; Stewart, Cody <codystewart@utah.gov>; Fran Stultz <fstultz@utah.gov>

Subject: Re: WOTUS Roundtable invitees

Tate,

The plans are progressing well. Invitations to the round table and tour are being sent now.

The plan at this point is as follows:

8:30 -- begin tour. Participants will meet at the east doors of the Capitol to load into vans and depart for Snyderville Basin. The Governor and Administrator will travel separately with security.

9:20 -- Meet at Bittner Ranch for overview of tour. We have three stops planned in close proximity. No walking required. We will be sending a detailed itinerary with Google map views of the sites, photos and a brief description of the sites.

10:15 -- Leave Snyderville Basin to return to the Capitol

10:45 -- Arrive at State Capitol

11:00 -- Meeting with Governor and senior staff in the Governor's Conference Room (among other things, we'd like to discuss Gold King Mine (with Attorney General Sean Reyes), regional haze, and the Tribal NSR FIP.)

12:00 -- Lunch and round table meeting in the Capitol Board Room. After the Administrator's opening remarks, Erica Gaddis (Director, Division of Water Quality) will give a very brief overview of Utah-specific WOTUS issues, followed by discussion as directed by the Administrator.

1:30 -- Media availability

2:00-- Wrap up

WOTUS Top-Line Talking Points

EPA Actions:

- On June 27, EPA with Department of the Army and Army Corps of Engineers proposed a rule to rescind the 2015 WOTUS rule and re-codify the regulatory text that existed prior to the 2015 rule and to maintain/reinstate the status quo
 - * ☐ Not yet published.
- This was step one of a two-step process
 - On February 28th, President Trump signed the EO on Restoring the Rule of Law, Federalism, and Economic Growth, which directed the EPA to review the 2015 “Waters of the United States” Rule and consider an interpretation of that term consistent with Justice Scalia’s opinion in *Rapanos v. United States*.
 - Pursuant to that EO, EPA and Army/Army Corps have initiated a two-step process: (1) withdrawal of the 2015 Rule, and (2) promulgation of a new definition. We are now at that second step. The next step is a rulemaking to review and potentially revise the definition of Waters of the U.S. and the agencies have also begun deliberations and outreach on the second step rulemaking involving a re-evaluation and revision of the definition of “waters of the United States”
- Engagement with State partners
 - As we review and determine whether and to what extent we will revise the 2015 Rule, it is important to talk with our State partners and stakeholders affected by this rulemaking.
 - Both of these actions are in accordance with President Trump’s EO. The Agencies are doing just that. We initiated a formal federalism consultation process in which we received 156 letters from Govs, AGs, State Agencies, State Associations, and held 24 meetings.
 - I thank you for the comments you submitted as a part of this process and look forward to continued discussions.

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Why is EPA Action is Necessary:

- Reviewing the WOTUS rule is a top priority of the administration
 - The Clean Water Act (“CWA”) gives EPA only the authority to regulate “navigable waters,” defined as “waters of the United States.” In 2015 the Obama Administration reinterpreted what is considered a “navigable water/WOTUS,” under the Clean Water Act (CWA)
 - The definition was expanded so broadly that it included waters like drainage ditches, puddles, wetlands, water features on golf courses and runoff.
 - The 2015 rule created so much regulatory uncertainty that more than half the states (27) challenged EPA in court on the basis that the rule violated the Constitution, the Clean Water Act and the Administrative Procedure Act
 - As evidenced by the many comments EPA received, the 2015 WOTUS definition would result in have had adverse economic impacts in many small and rural communities
 - Cost and burden to obtaining permits build fences, spray fertilizer, dig ditches, etc

Defining WOTUS:

- As written, the Clean Water Act does not define what “Waters of the U.S.” means, EPA and the Department of the Army do
- While the The Obama Administration had the ability to redefine WOTUS, they went too far and ultimately the courts found the definition to be on legally questionable ground.
 - The 2015 rule was stayed by 6th Circuit Court of Appeals as a result

INTERNAL – DRAFT

- EPA and the Administration are committed to keeping waters pollution-free, promoting economic growth and minimizing regulatory uncertainty for Congress, state, local and tribal government as well as farmers, ranchers and property owners.
 - The 2015 definition ~~did none of the above~~ failed to promote growth and created regulatory uncertainty

WOTUS Litigation: (SP RECUSED, however we can know the public record)

- WOTUS Rule has been stayed by two courts: 6th Circuit and North Dakota District Court (stayed rule in 13 states).
- Case is before SCOTUS, *National Assoc. of Manufactures v. Dep't of Defense*, to be heard this October term. It has not been set for oral argument.
- Gov't brief due July 28th.

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WOTUS Tour – Salt Lake City, Utah → Minneapolis, Minnesota → Little Rock, Arkansas

Salt Lake City, Utah

WOTUS

- June 20, 2017 – AG Reyes joined a 20-state coalition in requesting EPA preserve the role of the states in protecting the nation's water sources.
- 80% of Utah's developed water is used for agriculture, an industry that generates \$17.5 billion representing about 14% of the state's economy¹
- Utah boasts 18,200 farms, covering 11 million acres of land, with the average farm size totaling 677 acres.
- The economic impact of farming in Utah is \$1.8B annually²

Regional Haze

- The Regional Haze Rule implements sections 169A and 169B of the Clean Air Act by setting out the requirements that states must follow when submitting plans to protect visibility in 156 national parks and wilderness areas.
 - There are **five** national parks in Utah and **31** national wilderness areas
- Last June the Obama EPA disapproved of a portion of Utah's regional haze SIP and adopted a FIP to meet the requirement for NOx for two power plants. We're involved with on-going litigation here.
- EPA is now initiating the process to open the FIP so that Utah can replace that with a SIP that better reflects local needs.
- EPA is working with Utah and providing proactive technical support to insure that Utah is set up for long-term success

Tribal NSR FIP

- On the Uintah (yoo-in-tah) and Ouray (or-ray) (U&O) Reservation, oil and natural gas minor source permits are currently being issued under the National Oil and Natural Gas Federal Implementation Plan (FIP).
 - However, if the Uinta Basin is designated nonattainment for the 2015 ozone NAAQS, the National Oil and Natural Gas FIP will no longer apply
 - Areas designated as nonattainment are required to submit a SIP that demonstrates emissions reductions to bring the area into compliance with the NAAQS.
 - Industry representatives and the Ute Indian Tribe have emphasized that EPA should develop a mechanism to allow EPA to continue to issue minor source permits after nonattainment designation.

¹ Utah Farm Bureau via [HYPERLINK "<http://thecountyseat.tv/redefining-waters-of-the-united-states-wotus/>"]

² National Agricultural Statistics Service via [HYPERLINK "<http://www.farmflavor.com/utah-agriculture/>"]

INTERNAL – DRAFT

- Utah has jurisdictional responsibility for the lands outside of Indian Country, where approximately 90 percent of the population is located. Normally, the State regulates oil and gas emissions via NSR

Minneapolis, Minnesota

WOTUS

- The Minnesota Farm Bureau has submitted comments on the 2015 WOTUS rule, their specific concerns are
 - The rule would make remote landscape features that carry only minor volumes of water (if any) or only carry water after a weather event subject to CWA jurisdiction, including ditches and ephemeral drainages.
 - The 2015 rule uses the unclear concept of ordinary high water mark, as well as bed and bank, as the key identifiers for tributaries.
 - This would include land with only subtle changes in elevation, where any land where rainwater naturally channels as it flows downhill
 - The proposed rule suggests that other waters could be connected even if they are located in different landforms, have different elevation levels and have different soil and vegetation characteristics as long as they “perform similar functions” and are located “sufficiently close” to a traditional “water of the United States.”
- In addition to the formal comments submitted by MFBF, 13 county Farm Bureaus in Minnesota submitted comments, nearly 500 comments were submitted by members in response to calls to action by MFBF and 1,800 signatures from Minnesotans were delivered to EPA opposing the rule.
- The ag industry in Minnesota provides more than 340,000 jobs for Minnesotans. Altogether, the industry contributes \$75 billion to the state’s economy annually.³
- In Minnesota, 38% of stream miles within native trout historical range are classified as intermittent or ephemeral. 59% of stream miles are in headwater streams. In the Whitewater River basin, 74% of streams are intermittent while 60% are headwaters.⁴

Clean Power Plan/Paris Climate Agreement

- Governor Dayton signed onto the U.S. Climate Alliance, a coalition launched after Trump announced that he plans to withdraw the United States from the Paris climate accord
- The alliance suggests that in the U.S. the fight against global warming will come from local governments, academia and industry
- The alliance was formed by Governors Jay Inslee of Washington, Andrew Cuomo of New York and Edmund Brown Jr. of California — states that have their own carbon-reduction strategies.
- Minnesota is one of 10 additional states that signed on, pledging to reduce emissions 26 to 28 percent from 2005 levels
- Two Republican Governors – Charlie Baker (MA) and Phil Scott (VT) have signed

Little Rock, Arkansas

- Governor Hutchinson and AG Leslie Rutledge both praised this administrations action to roll-back the 2015 WOTUS rule
- Rutledge joined the lawsuit with 12 other states in suing EPA over the 2015 rule
- The 2015 WOTUS rule would have harsh effects on the economy of Arkansas considering that agriculture is the state’s number one industry contributing more than \$20B annually to the state’s economy⁵

³ Minnesota Dept. of Agriculture via [[HYPERLINK "http://www.farmflavor.com/minnesota-agriculture/"](http://www.farmflavor.com/minnesota-agriculture/)]

⁴ Trout Unlimited via US Geological Survey [[HYPERLINK "http://www.tu.org/sites/default/files/minnesota_wotus.pdf"](http://www.tu.org/sites/default/files/minnesota_wotus.pdf)]

⁵ Arkansas Ag Department via [[HYPERLINK "http://www.farmflavor.com/arkansas-agriculture/"](http://www.farmflavor.com/arkansas-agriculture/)]

INTERNAL – DRAFT

- Arkansas ranks 14th in cash receipts from farm markets, with a total of 4,973,164 harvested acres
- Nationally, Arkansas is #1 in rice and poultry production; #5 in sorghum, grain; #6 in cotton and #8 in soybeans and grapes

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 9/25/2017 1:53:46 PM
To: Letendre, Daisy [letendre.daisy@epa.gov]
Subject: Fwd: pruit invite

Daisy,

Thank you very much! Below are the TPs, which should look very similar to what we've had in the past. Some newer highlights:

- Comment period closes on Sept 27 (This Wed)
- We are working with OMB and Small Business Assoc to host a meeting for small entities in October (can't remember the date offhand but will send to you when I get it)
- We are conducting 9 outreach sessions tailored to specific sectors (Ag, Enviro, etc.) to get perspectives on options for a new rule. That will go through the first of November.

For his background, we are also reaching out to political staff at other agencies who have an interest in a WOTUS definition and political staff at OMB to open lines of communication that will hopefully facilitate a more efficient turnaround when we submit the rule for OMB/interagency review.

Let me know if you have any questions!

Sent from my iPhone

Begin forwarded message:

From: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>
Date: September 22, 2017 at 5:07:36 PM EDT
To: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Subject: Re: pruit invite

Here are some TPs for WOTUS. Let me know if this works or if you need something different. Thanks.

WOTUS

- The February 28, 2017 Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.
- The E.O. directs that EPA and the Army "shall consider interpreting the term 'navigable waters'" in a manner "consistent with Justice Scalia's opinion" in *Rapanos*. Justice Scalia's opinion indicates CWA jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to relatively permanent waters.
- EPA and the Department of the Army are in the process of reviewing and revising the scope of "waters of the United States" that are protected under the Clean Water Act, and we are doing so in a two-step process.

Step One

- On June 27, the agencies signed the step one proposed rule and it was published in the Federal Register on July 27th. The public comment period closes on September 27th. We are eager to hear any comments that you have on the step one rulemaking.
- The proposed rule is an interim step that would re-codify the regulatory text that existed prior to 2015, providing regulatory continuity and certainty pending a forthcoming second rulemaking in which the agencies will revise the definition of “waters of the United States” in accordance with the Executive Order.
- To be clear, when final, this action would not change current practice with respect to the how the definition applies, which is consistent with Supreme Court decisions, agency guidance, and longstanding practice, given the current court stay.

Step Two

- In addition to step one, the agencies have also begun working on the step two rulemaking to revise the definition of “waters of the U.S.” This spring the agencies initiated formal consultations with state and local governments and with tribes and we are now in the process of reviewing and analyzing about 200 letters received. The letters are available on our website.
- The EPA and Department of Army are holding listening sessions to give stakeholders an opportunity to provide pre-proposal recommendations on a revised definition of “waters of the United States.” The agencies will host nine two-hour teleconferences that will be tailored to specific sectors, plus one that will be geared to the general public. We’ve just heard from small entities on a call yesterday. The agencies will also hold one in-person session for small entities, such as small businesses, small governments, and small associations.
- The agencies will also be accepting written recommendations on the step two rulemaking effort through a non-regulatory docket (EPA-HQ-OW-2017-0480) on regulations.gov. You can find a link on our website. The agencies ask that this information be submitted on or before November 28, 2017.
- Information gathered through these stakeholder sessions, in addition to the feedback the agencies are hearing through ongoing outreach to state and tribal governments, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.
- In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.
- More information regarding the step one proposal and the step two pre-proposal outreach can be found on our website at www.epa.gov/wotus-rule.

On Sep 22, 2017, at 4:50 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Andrea,

Can you get Tate the most recent WOTUS talking points we are using.

Lee

From: Bennett, Tate

Sent: Friday, September 22, 2017 4:48 PM

To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Ford, Hayley <ford.hayley@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: Re: pruit invite

Hey team OW! Do you have any updates on WOTUS talking points? He's addressing a group Monday night who will be curious for an update. If not, no worries.

On Sep 22, 2017, at 4:46 PM, Stanley, Michele <mstanley@nssga.org> wrote:

Apologies, I thought I had sent everything over. I'm losing my mind! Here are the issues.

- NSSGA is interested in general terms the status of the response to the President's order on regulatory reform and what plans EPA is implementing generally. What can we expect over the next 12 months.
- In particular, an update on WOTUS would be helpful WOTUS.

There will be about 250 in the room and Kermit Frank from Dolese Brothers in Oklahoma City will be introducing him. If you'd like to see the introduction we've prepared, just let me know and I can send it over.

Regards,
Michele

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Friday, September 22, 2017 12:53 PM

To: Stanley, Michele <mstanley@nssga.org>

Cc: Ford, Hayley <ford.hayley@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>

Subject: RE: pruit invite

Any word on the speaking topics and also roughly how many folks will be in the room? Also, who will be introducing him?

From: Stanley, Michele [<mailto:mstanley@nssga.org>]

Sent: Tuesday, September 19, 2017 8:34 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Ford, Hayley <ford.hayley@epa.gov>

Subject: Re: pruit invite

We will circle back with you tomorrow morning. Thank you for reaching out.

Sent from my iPhone

On Sep 19, 2017, at 7:57 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Hi Michele! Do you have a list of topics your members would like to hear about next week?

On Sep 14, 2017, at 3:02 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Michele,

Thank you for that information. He'll be glad to know that. We look forward to it!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Stanley, Michele [<mailto:mstanley@nssga.org>]

Sent: Thursday, September 14, 2017 1:12 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Subject: Re: pruit invite

We just received confirmation that Secretary Zinke will be speaking at 5:30 after the Administrator. Let me know what all you need on that.

Michele

Sent from my iPhone

On Sep 12, 2017, at 3:23 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Tate will run point on looping in with Comms and will reach out as it approaches.

Thanks!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: O'Neill-Kaumo, Laura [<mailto:lonell@nssga.org>]

Sent: Tuesday, September 12, 2017 3:20 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Stanley, Michele <mstanley@nssga.org>; Hupp, Millan <hupp.millan@epa.gov>

Subject: Re: pruit invite

Excellent. Thank you so much. And again plug us into your Comms dept so we can coordinate in a way your team prefers.

Sent from my iPhone

On Sep 12, 2017, at 3:19 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hi Laura,

Yes, we are confirmed. The other event was moved so we are set to do this.

We will be in touch as it approaches but please let me know if you need anything from us.

Thank you!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: O'Neill-Kaumo, Laura [<mailto:loneill@nssga.org>]

Sent: Tuesday, September 12, 2017 1:58 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Stanley, Michele <mstanley@nssga.org>

Subject: Re: pruit invite

Hi,

Are we still looking good for Mr. Pruitt?

Sent from my iPhone

On Sep 6, 2017, at 6:31 PM, Ford, Hayley <ford.hayley@epa.gov> wrote:

Hello Michele,

Thank you for completing. We would really like to do this event and would like to tentatively confirm. There is an all-day event at the White House that day and we are still determining the ask for the Administrator. We hope that we can make this work though. Would it be ok for us to confirm exact timing at a later date, when we've been able to nail down our other events for that day? We will plan for 5:10 to begin remarks for now and will let you know if that changes.

Additionally, it'd be great if you could update us when/if Secretary Zinke accepts the invitation so that the Administrator can be aware.

Thank you and we look forward to it!

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: Stanley, Michele [<mailto:mstanley@nssga.org>]
Sent: Wednesday, September 6, 2017 12:43 PM
To: Ford, Hayley <ford.hayley@epa.gov>; O'Neill-Kaumo, Laura <loneill@nssga.org>
Cc: Hupp, Millan <hupp.millan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: pruit invite

Here you go! Any questions, don't hesitate it reach out.

<image001.jpg>
Michele Stanley
Director of Government Affairs
National Stone, Sand and Gravel Association
66 Canal Center Plaza, Suite 300
Alexandria, VA 22314
Direct: 703-526-1093
mstanley@nssga.org

From: Ford, Hayley [<mailto:ford.hayley@epa.gov>]
Sent: Wednesday, September 6, 2017 10:41 AM
To: O'Neill-Kaumo, Laura <loneill@nssga.org>; Stanley, Michele <mstanley@nssga.org>
Cc: Hupp, Millan <hupp.millan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: pruit invite

Laura and Michele,

Thank you for the below request. I am handling the Administrator's scheduling and would be happy to bring your request to our scheduling team. Could you please complete the attached speaking request form with as much information as you can provide? We will be able to let you know shortly if we're able to confirm.

Thank you and we appreciate the invitation!

Hayley Ford
Deputy White House Liaison
Office of the Administrator
Environmental Protection Agency
Room: 3309C William Jefferson Clinton North
ford.hayley@epa.gov
Phone: 202-564-2022
Cell: 202-306-1296

From: "O'Neill-Kaumo, Laura" <loneill@nssga.org>
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Stanley, Michele" <mstanley@nssga.org>
Subject: Fwd: pruit invite

Tate,
Thanks for the outreach yesterday. Attached is the invitation for Mr. Pruitt. Again, we would be extremely grateful for an appearance. We can be flexible on time between 5-7pm. Also our comms department can work with yours and coordinate a message. The EPA reforms are a big priority for us and Mr Pruitt is viewed as welcomed agent of change. Please let us know.

Thank you so much!
Laura.

Sent from my iPhone

Begin forwarded message:

From: "Stanley, Michele" <mstanley@nssga.org>
Date: September 6, 2017 at 8:31:29 AM EDT
To: "O'Neill-Kaumo, Laura" <loneill@nssga.org>
Subject: pruit invite

Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 4/4/2017 5:57:50 PM
To: Hupp, Sydney [hupp.sydney@epa.gov]; Hupp, Millan [hupp.millan@epa.gov]
Subject: FW: checking in - ECOS (Friday)
Attachments: Briefing Memo_ECOS 2017 Spring Mtg - Keynote_4-7-17.docx; ECOS 2017 Spring Mtg Agenda.pdf; ECOS Attendee List_as of 4-4-7.pdf; ECOS 3-21-17 Q&A - updated 4-3-17.docx; Closed Session Agenda_4-7-17.pdf

If you all don't already have this information...

From: Barbery, Andrea
Sent: Tuesday, April 4, 2017 12:06 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Konkus, John <konkus.john@epa.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: checking in - ECOS (Friday)

Hi Lincoln and John,

Checking in to see if you have everything you'll need for the Administrator's remarks to ECOS on Friday? Attaching the briefing materials, which our office will send up later today, including a list of Qs (and draft As) we prepared for the March 21 ECOS All-Member call (to give a flavor of what ECOS is interested in hearing about).

1. Briefing memo
2. Agenda
3. Registered attendees
4. Qs&As prepared for March 21 ECOS All-Member Call
5. Closed session agenda (Administrator not attending, but Ryan J/Ken W/Troy L/Tate B will represent EPA at the table)

Please let me know if there's anything I can do to help with the preparations.

Thanks,
Andrea Barbery
Office of Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-1397

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 10/2/2017 10:51:04 PM
To: Bodine, Susan [bodine.susan@epa.gov]
Subject: FW: Briefing Materials for Colorado Springs
Attachments: Homebuilders Memo.docx; Taking Notice of WOTUS - A Home Building Industry Perspective_NAHB.pdf

From: Bennett, Tate
Sent: Monday, October 2, 2017 5:49 PM
To: Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Briefing Materials for Colorado Springs

Attached you will find:

- 1) A briefing memo with issue updates(prepared with the help of Office of Water/Henry).
- 2) A great op-ed on the cost of the 2015 WOTUS on the homebuilding industry. Great metrics included.

Thanks all!

Tate

Elizabeth Tate Bennett
Associate Administrator for Public Engagement & Environmental Education
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-1460
Bennett.Tate@epa.gov

TO: Administrator Pruitt
FROM: Office of Public Engagement
DATE: Wednesday, Thursday, October 3, 4, 2017
RE: National Association of Homebuilders (NAHB) Annual Meeting

AGENDA

Wednesday, October 3

Dinner with Mr. and Mrs. Grove

Thursday, October 4

9:00 – 10:15 AM— Small roundtable with 16 industry leaders. Jerry Howard, CEO of NAHB will welcome and introduce Mr. Pruitt.

Attendees— TBD

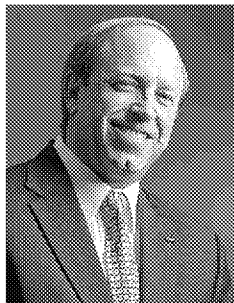
10:15— 11: 15 AM— Break/ Staff Time

11:20— 12:30— Lunchtime Speech and Q&A. (~300 people)

Mayor of Colorado Springs, John Suthers, will introduce both Jerry Howard and Mr. Pruitt.

BIO FOR MAYOR SUTHERS

John William Suthers is the current Mayor of Colorado Springs, Colorado, and the former Attorney General of Colorado, U.S. Attorney for Colorado and Fourth Judicial District Attorney.



ISSUES

NEPA/ 404 Permitting

- A 2002 study by the homebuilders found that it takes an average of 788 days and \$271,596 to obtain an individual CWA Section 404 permit. It takes 313 days and \$28,915 for a “streamlined” nationwide permit. Importantly, these ranges do not consider the cost

of mitigation. That can be exorbitant, ranging from an estimated \$25,000 to \$50,000 per acre nationwide. This is unacceptable.

- We are working with other federal agencies to plan big multi-agency processes improvement event for NEPA - to meet the President's expectation that the NEPA process be reduced to less than 2 years. This is in addition to the policy changes that are being considered to streamline the NEPA process.
- Creating an inventory (for the first time!) of all the permits EPA issues and how long it takes to issue them. Also creating an inventory of the state-issued permits EPA is required by law to review and how long our review takes.
- Will prioritize the list of permits by: those issued the most, take the longest, and have the biggest impact on the economy.
- Will perform process improvement events by the first of the calendar year on the prioritized permits with the goal of reducing the time to issue by at least 50% (interviewing consultants on contract right now to see which are capable).
- Working with states through Cooperative Federalism 2.0 to identify opportunities for reducing the amount of time for the issuance of permits EPA must review – on a voluntary basis.

WOTUS

Main concerns of homebuilders: isolated ponds, ditches and channels—If WOTUS expands to isolated ponds, ditches and channels that only flow when it rains – as it would have under the expansive 2015 rule – more home building activities will require costly, time-consuming federal permits.

Status Update:

Step One

- On June 27th, the agencies signed the step one proposed rule and it was published in the Federal Register on July 27th. The public comment period closed on September 27th. **We received [over 200,000] comments and are eager to review them.**
- The proposed rule is an interim step that would re-codify the regulatory text that existed prior to 2015, providing regulatory continuity and certainty pending a forthcoming second rulemaking in which the agencies will revise the definition of “waters of the United States” in accordance with the Executive Order.
- To be clear, when final, this action would not change current practice with respect to the how the definition applies, which is consistent with Supreme Court

decisions, agency guidance, and longstanding practice, given the current court stay.

Step Two

- In addition to step one, the agencies have also begun working on the step two rulemaking to revise the definition of “waters of the U.S.” **This spring the agencies initiated formal consultations with state and local governments and with tribes and we are now in the process of reviewing and analyzing about 200 letters received.**
 - Some of the key themes we heard from states were an interest in capturing regional differences in the revised definition, including exclusions, and ensuring that any new regulation be very clear.
 - Most tribes urged the agencies to protect waters broadly.
 - The agencies will continue to engage with states and tribal governments as the step 2 rulemaking process continues.
- There has been a lot of interest in the feedback we have received as part of our consultations. EPA recently posted the letters to our WOTUS website.
- The EPA and Department of Army are holding listening sessions to give stakeholders an opportunity to provide pre-proposal recommendations on a revised definition of “waters of the United States.” The agencies will host nine two-hour teleconferences that will be tailored to specific sectors, plus one that will be geared to the general public. The agencies will also hold one in-person session for small entities, such as small businesses, small governments, and small associations.
- You may be especially interested in the one for Industry – that conference call/webinar will be held on October 24 from 1:00PM to 3:00PM EDT.
- You can find a link on our website. The agencies ask that this information be submitted on or before November 28, 2017.
- Information gathered through these stakeholder sessions, in addition to the feedback the agencies are hearing through ongoing outreach to state and tribal governments, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.
- In addition to pre-proposal outreach, the second step rulemaking to revise the definition of WOTUS will also include opportunity for public notice and comment.

Taking Notice of WOTUS: A Home Building Industry Perspective

On June 29, 2015, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers published a final rule that changes the regulatory definition of “waters of the United States” for the first time in nearly 30 years. The new rule expands federal jurisdiction under the Clean Water Act and introduces new concepts and definitions that will be burdensome to home builders, decrease housing affordability, and do little to protect the environment.

BY OWEN McDONOUGH

The Clean Water Act of 1972 (CWA) gives the federal government authority to regulate “navigable waters,” which are defined by the statute as simply “waters of the United States” (WOTUS). Unfortunately, determining what constitutes WOTUS and in turn the scope of federal jurisdiction has not been easy or predictable. And while two U.S. Supreme Court cases, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*¹ and *Rapanos v. United States*,² have made it clear that there are limits to federal authority under the CWA, perhaps the only thing all parties agree on is that the 1986 regulatory definition of WOTUS is too vague. The result has been confusion, inconsistent application, questionable jurisdictional calls, and delayed decisionmaking.

Since these Supreme Court decisions, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (the Corps)—the federal agencies with joint authority to administer the CWA—have made several attempts to address the confusion by issuing interim guidance and agency directives. Unfortunately, the implementation of these interpretive tools has proven burdensome and unpredictable. At the same time, the underlying uncertainty persists, leaving home builders, developers, and other stakeholders at a loss for knowing whether or not their land contains federally protected areas.

After publishing a proposed rule to redefine WOTUS in April 2014 and receiving over one million comments, the agencies published a final rule on June 29, 2015. The agencies claim the rule provides clarity and does not expand federal jurisdiction. Regrettably, the rule misses the mark.

Under the new rule, all “tributaries” are categorically jurisdictional. The agencies have defined tributary broadly to include any feature that contributes flow, either directly or through another water, to a downstream water and is charac-

terized by the presence of the physical indicators of a bed and banks and an ordinary high watermark (OHWM). Importantly, the new regulatory definition of tributary does not consider when a feature flows, how often it flows, or what volume of water it contributes downstream. Rather, the rule regulates all features meeting the tributary definition—even those that might flow as a trickle or only after a heavy rainfall—as jurisdictional by rule. What’s more, in the Supreme Court’s *Rapanos* decision, Justice Anthony Kennedy rejected the use of an OHWM to determine jurisdiction.³ And, like the former WOTUS definition, there are no assurances that Corps regulators will interpret OHWM consistently.

To make matters worse, the rule asserts categorical jurisdiction over all “adjacent waters,” which are defined based upon their distance to other jurisdictional waters, including tributaries. With an expansive tributary definition that extends to many ditches and well beyond headwaters to countless miles of ephemeral streams and conveyances, it becomes increasingly more difficult to identify an otherwise isolated water feature that falls outside of the arbitrary “bright-line” distances established in the rule.

And, even if a water is located beyond the established distance from an OHWM or high-tide line to meet the “adjacency” requirements, if it is within 4,000 feet of a jurisdictional water, the agencies could perform a significant nexus analysis on it, either alone or in combination with other similarly situated waters, to determine if it is subject to federal law. In its own economic analysis of the final rule, EPA acknowledges the meaninglessness of this 4,000-foot “bright line,” stating:

The agencies have determined that the vast majority of the nation’s water features are located within 4,000 feet of a covered tributary, traditional navigable water, interstate water, or

territorial sea. We believe, therefore, that very few waters will be located outside 4,000 feet [of a jurisdictional water].⁴

Equally problematic, the threshold to satisfy the significant nexus test is set so low that a water could be found to have a significant nexus if it either stores runoff or contributes flow to a downstream water. When asked to name a water that does not either store water or contribute water downstream during a recent Environmental Law Institute seminar, EPA and the Corps officials could not—showing just how easy it will be for the agencies to determine that a water has a significant nexus to another water and is thereby jurisdictional.

In the end, many landscape features that exhibit few attributes of “waters” or that would historically have been considered “isolated” will be swept into the federal regulatory net unnecessarily. Indeed, the rule only creates clarity and certainty by illegally asserting jurisdiction over nearly every possible wet feature.

The sheer scope of these new definitions and the vast acreage they will bring under federal scrutiny raise significant concerns for the home building industry. By their very nature, land development and home building involve substantial earth-moving activities. Because CWA §404 requires a permit for the discharge of dredged or fill material into WOTUS, builders and developers must often obtain CWA permits to complete their projects. As the definition of WOTUS expands, more activities will trigger CWA §404. Under the new rule, activities discharging into features such as isolated wetlands, man-made ditches and conveyances, and channels that only flow when it rains will require a federal permit.

Obtaining these permits is no small task, as the process causes delays, additional scrutiny, possible project redesign, and increased costs. A 2002 study, for example, found that it takes an average of 788 days and \$271,596 to obtain an individual CWA §404 permit and 313 days and \$28,915 for a “streamlined” nationwide permit.⁵ Importantly, these values do not take into account the cost of mitigation, which can add up quickly. Perhaps even more costly, however, can be discharging into a WOTUS without a CWA permit—a violation that can cost \$37,500 per day.

Ultimately, these costs will be passed on to the home buyer, decreasing housing affordability. A 2011 study by the National Association of Home Builders (NAHB) Economics and Housing Policy Group estimated the impact of regulations on the price of a new home and found that, on average, regulations imposed by all levels of government account for 25% of the final price of a new single-family home.⁶ Nearly two-thirds of this—6.4% of the final home price—is attributed to the higher price for finished lots resulting from regulations imposed during the lot’s development. While these

regulations are largely invisible to the home buyer, the public, and even the regulators themselves, the compounding of the myriad local, state, and federal requirements has a profound impact on housing affordability and homeownership.

Even moderate cost increases can have significant negative market impacts. This is of particular concern in the affordable housing sector where relatively small price increases can have an immediate impact on low- to moderate-income home buyers who are more susceptible to being priced out of the market. As the price of a home increases, those who are on the verge of qualifying for that new home will no longer be able to afford its purchase. An analysis done by NAHB illustrates the number of households priced out of the market for a median-priced new home due to a \$1,000 price increase. Nationally, this price difference means that when a median new home price increases from \$275,000 to \$276,000, over 200,000 households can no longer afford that home.⁷ This is not a good outcome for anyone. As our nation slowly recovers following the Great Recession, regulatory burdens placed on home builders should be reduced, not increased.

Finally, the added costs of this regulation will come at little to no benefit to the environment. Indeed, many of the newly minted WOTUS are already regulated at the state and/or local levels. And, if they are not regulated by the states, in many cases, this is because the states have determined that certain features simply do not warrant regulation. Clearly, EPA and the Corps have disregarded that notion, not to mention the intent of the U.S. Congress and the opinion of the Supreme Court. And with a rule so expansive and unwarranted, it is likely only a matter of time until the courts weigh in on WOTUS again. ■

ENDNOTES

1. *Solid Waste Agency of Northern Cook Cty. v. Army Corps of Engineers*, 531 U.S. 159 (2001).
2. *Rapanos v. United States*, 547 U.S. 715 (2006).
3. *Id.* at 781 (Justice Kennedy noted that the reliance on OHWM to determine jurisdiction of the Clean Water Act “leaves wide room for regulation of drains, ditches, and streams remote from any navigable-in-fact water and carry only minor water-volumes towards it” and “precludes its adoption. . .”).
4. ECONOMIC ANALYSIS OF THE EPA-ARMY CLEAN WATER RULE 11 (2015), available at http://www2.epa.gov/sites/production/files/2015-05/documents/final_clean_water_rule_economic_analysis_5-15_2.pdf.
5. David Sunding & David Zilberman, *The Economics of Environmental Regulation by Licensing: An Assessment of Recent Changes to the Wetland Permitting Process*, 42(1) NAT. RESOURCES J. 60 (2002).
6. Paul Emrath, *How Government Regulations Affect the Price of a New Home*, National Association of Home Builders Economics and Housing Policy Group Special Study (2011), available at <http://www.nahb.org/en/research/nahb-priorities/code-development/ICC-codes/-/media/AFBB688D7FEE44E9A221F49B9B0E23E8.ashx>.
7. Natalia Siniavskaja, *State and Metro Area House Prices: The ‘Priced Out’ Effect*, National Association of Home Builders Economics and Housing Policy Group Special Study (2014), available at <http://www.nahb.org/en/research/housing-economics/special-studies/state-and-metro-area-house-prices-the-priced-out-effect-2014.aspx>.

Message

From: John Konkus [Ex. 6 - J Konkus personal email]
Sent: 6/2/2017 10:35:19 PM
To: Konkus, John [konkus.john@epa.gov]
Subject: Fwd: Daily Press Briefing by Press Secretary Sean Spicer and EPA Administrator Scott Pruitt

John Konkus

Begin forwarded message:

From: "White House Press Office" <whitehouse-noreply@messages.whitehouse.gov>
Date: June 2, 2017 at 5:47:43 PM EDT
To: [Ex. 6 - J Konkus personal email]
Subject: Daily Press Briefing by Press Secretary Sean Spicer and EPA Administrator Scott Pruitt
Reply-To: whitehouse-noreply@messages.whitehouse.gov

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 2, 2017

PRESS BRIEFING
BY PRESS SECRETARY SEAN SPICER
AND ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY,
SCOTT PRUITT

James S. Brady Press Briefing Room

ER: Good afternoon, everyone. EPA Administrator Pruitt is here today to deliver a br
nnouncement yesterday and answer any questions you have regarding the Paris Climate Ac
reached yesterday. As always, I ask that you keep your questions for Administrator P
I'll be back up here to answer some questions of the day. I would note that he has a
o try to keep this relatively short on his end.

t, Administrator Pruitt.

RATOR PRUITT: Thanks, Sean.

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d to be with you this afternoon. And I want to first begin by saying that the President's decision yesterday on behalf of America. He put America's interest first with respect to international discussions. I really appreciate his fortitude. I really appreciate

discussion over the last several weeks has been one of a thoughtful deliberation. He heard a spectrum of vantage points. And the President made a very informed and, I think, thoughtful decision for the country's benefit.

We have to remember when it comes to the environmental agreements and international agreements, the Paris Agreement is we have nothing to be apologetic about as a country. We have reached the early 1990s. And in fact, from 2000 to 2014, we reduced our carbon footprint by over 60 percent, largely accomplished through innovation and technology, not government mandate. So when we are leading with action and not words.

I want to say that exiting Paris does not mean disengagement. In fact, the President said it was a good deal for this country; it doesn't mean that we're not going to continue the discussion to export our technology to the rest of the world, to demonstrate how we do it better here. That's the message to send.

He stated that he's going to either reenter Paris or engage in a discussion around a new deal with America first. The President said, routinely, he's going to put the interest of American citizens first. That's in trade policy; that's in national security; that's in border security. That's in Washington, D.C. And he did that with respect to his decision yesterday on Paris.

And that, I'd be glad to answer any questions you might have. And I don't know your name, but I'll just point to you, and we'll just go from there.

Thank you. Your name?

I'm Mary Bruce with ABC.

RATOR PRUITT: Hello, Mary.

Thank you. I have a two-part question. I was hoping you could clear this up once and for all. Do you believe that climate change is real as a threat to the United States?

RATOR PRUITT: You know, what's interesting about all the discussions we had for the last several years on one singular issue -- is Paris good or not for this country? That's the discussion that's been my focus. The focus remained on whether Paris put us at a disadvantage, or if it was just an economic disadvantage.

I don't know this, but Paris set targets of 26 to 28 percent. With the entire agenda of the Paris Agreement, we still fell 40 percent short of those targets. It was a failed deal to begin with. Even if it were met by all nations across the globe, it only reduced the temperature by less than 1 degree Celsius.

That's something that the President focused upon with respect to how it impacted our economic and environmental objectives that were achieved as a result of Paris. His decision was, no, it was not a failure.

Thank you.

climate change, yes or no?

RATOR PRUITT: Yes, ma'am.

tenths of one percent, a statistic that you're citing -- the MIT scientists who helped badly misunderstood" the findings of that report, and that, in fact, if we take no action, we're looking at five percentage points. So, specifically, what other science did the President

RATOR PRUITT: There were other stories that were published at the time. The MIT study, for example, showed two-tenths of one degree. They didn't have a corner on the market as far as climate science. There were many at that point. We can provide those to you.

clear about Paris, what's clear is that if you go back and look at the criticism that was leveled against the agreement, it wasn't just from folks in this country who wanted it to be ratified, or even from the environmental left. The environmental left was very critical of Paris. In fact, James Hansen -- what was -- James Hansen said at the time it was a fake and a fraud. And the general counsel of the Sierra Club, when you go back and read the media accounts, there was much criticism, largely because it was seen as putting India accountable.

Now, China did not have to take any steps of compliance until 2030. India had no obligations until 2025. And Russia, when they set their targets, they set 1990 as their base year. And we continue to emit more CO2. In this country, we had to have a 26 percent to 28 percent reduction by 2025. That represented the Clean Power Plan and the entire Climate Action agenda of the past administration.

I'd like to go back to the first question that was asked that you didn't answer. Does the President believe climate change is a hoax? That's something, of course, he said in the campaign. When I asked him about it with him a couple days ago, he refused to answer. So I'm wondering if you can speak for the President.

RATOR PRUITT: I did answer the question because I said the discussions that the President has had over the several weeks have been focused on one key issue -- is Paris good or bad for the country? The President's attentions there. He determined that it was bad for this country. It hurt us economically, it hurt our environmental outcomes. And he made the decision to reject the Paris deal.

What about that? Yes, sir.

Thank you. Given the fact that you and other administration officials haven't been able to convince the media on climate change, why should other countries believe that the President wants to take action?

RATOR PRUITT: As I indicated in my comments yesterday and the President emphasized in his speech, for the United States and the country as a whole, we have taken significant steps to reduce our CO2 footprint. And that's what you won't hear -- how did we achieve that? Largely because of technology -- hydrofracturing, or fracking -- that has allowed a conversion to natural gas in the generation of electricity. And that's the environmental left.

We need to export clean coal technology. We need to export the technology in natural gas. We need to help India and China -- and help them learn from us on what we've done to achieve good outcomes. We need to export those words.

uly -- Paris at its core was a bunch of words committed to very, very minimal environmental
a substantial amount of money and put us at an economic disadvantage.

. Yes, sir.

s the President believe that -- or does the administration believe that any additional
whether it's Paris or a subsequent deal, needs --

RATOR PRUITT: I'm sorry. I missed the first part of your question. Can you --

s the administration believe that any deal -- whether it's a revised Paris Agreement or
-- needs congressional approval? Either as a treaty or some other form --

RATOR PRUITT: Well, I think it's clear with respect to the Paris Agreement that there
n. The President expressed this constitutionally in his speech yesterday. I have since
been submitted to the U.S. Senate for ratification.

at depends on the nature of the deal, what you actually negotiate. If we're talking about
d technology to the rest of the globe, I would say not -- I would say that that's not
submitted to the U.S. Senate.

say, however, that if you're setting targets, if you're setting emission targets that
through regulation or statute, then very much so. The voice of American citizens across
ugh the ratification process.

. Yes, sir.

ously a lot of people from the White House are not willing to answer this question of
climate change. So let's talk about your personal views. In March, you said, there's t
ree of human impact, and you would not agree that it's a primary contributor to global
man activity contributes at all to global warming?

RATOR PRUITT: I don't know if you guys caught my confirmation process or not, but --
he way -- but that confirmation process -- I indicated that in fact, global warming is
ributes to it in some manner.

g with precision from my perspective, the degree of human contribution is very challeng
tion what do we do about it? Does it pose an existential threat, as some say? People
c or a climate denier -- I don't even know what it means to deny the climate. I would
erators.

many of you -- I don't know if you saw this article or not, but "The Climate of Compl
t was in The New York Times talked about -- and I'll just read a quote, because I thin
s article -- "Anyone who has read the 2014 report of the IPCC knows that while modest
e Earth has occurred since 1880. Much else that passes as accepted fact is really a m
That's especially true of the sophisticated but fallible models and simulations by
er into the climate future. To say this isn't to deny science isn't to acknowledge it

nk that -- look, the debate -- what the American people deserve is a debate objective
out this issue. And what Paris represents is a international agreement that put this
with very little benefit environmentally across the globe.

ve just look at the --

I ask a follow-up question on that, sir? Why, then, is the Arctic ice shelf melting? Why are the hottest temperatures in the last decade essentially the hottest tempera

RATOR PRUITT: We've actually been on hiatus since the late 1990s, as you know.

... sir, so there's -- when NASA says that 95 percent of the experts in this area around warming, and you are up there throwing out information that says, well, maybe this is you're talking about climate exaggerators, it just seems to a lot of people around th are just denying the reality. And the reality of this situation is that climate chan ant threat to the planet.

RATOR PRUITT: Let me say this, and I've said it in the confirmation process and I said t's true, though, right? About the Arctic ice and the sea levels and --

RATOR PRUITT: We have done a tremendous amount as a country to achieve reductions in technology and innovation. We will continue to do that. We will continue to stay eng art, as you know, of the UNFCCC, and that process encourages voices by some national o be. And we are going to stay engaged and try to work through agreements and achieve erest first.

not -- this is not -- a message to anyone in the world that America is somewhat -- sho on. We are actually making tremendous advances. We're just not going to agree to fr t an economic disadvantage and hurt citizens across this country.

tics argue you're putting your head in the sand, though, Mr. Pruitt. They're a little head in the sand.

RATOR PRUITT: There is no evidence of that.

nk you, Mr. Administrator. Your fellow Sooner Senator Inhofe said that while he has f this, he is very nervous about lower-level career government employees in the EPA and ating what it means to exit the Paris Climate Accord. As the Administrator of EPA, wh

RATOR PRUITT: What's important to know is that the President said unequivocally yeste the 26 to 28 percent targets, are not enforceable and are not going to be complied wi e United States committed \$3 billion of initial funding is not going to continue. Tha t's going to be immediate.

re are discussions that are ongoing with the Justice Department on the steps that we'l on the exit. That's something that's going to be happening over the next several we oncerned, as far as the Green Climate Fund, that is immediate and it's something that'

am.

European leaders have made it very clear the deal can't be renegotiated. So how does the other parties aren't willing to come to the table?

RATOR PRUITT: Well, as he indicated, whether it's part of the Paris framework or a new one.

a new deal with who, if they're not going to sit down at the table with him?

RATOR PRUITT: Well, that's up to them, right? What America -- the United States has done, all, we're the United States, and we are leading with respect to CO2 reduction. We have nations around the globe want to see -- to learn from us on what we're doing to reduce and share that with them. And that's something that should occur and will occur in the future. We reciprocate with nations who seek to achieve that.

just a quick follow-up. You're the EPA Administrator. Shouldn't you be able to tell me if the President still believes that climate change is a hoax? Where does he stand?

RATOR PRUITT: As I indicated several times through the process -- there's enough time to make an Agreement and making an informed decision about this important issue. That where our timeline is a couple weeks. I've answered the question a couple times.

Yes, sir, this gentleman right here.

Thank you. Isn't it of concern that the United States has broken a promise to 190 countries to reduce CO2 levels that particular point. And second, you've several times raised the lowering of CO2 levels because of blocking the smokestack spews that now are not allowed, the administration is now opposing?

RATOR PRUITT: As I indicated, largely, we have reduced our CO2 footprint through innovation, of which is hydraulic fracturing and horizontal drilling.

first part of your question? I forget.

Is it of concern that we broke a promise to 190 countries? And how does that help our economy?

RATOR PRUITT: Well, truly, this gentleman's question back here -- if it was a promise to obligate this country, then it should have been ratified as a treaty, right? The Paris Agreement was 26 to 28 percent targets that were part of an international agreement, and there are provisions that actually allow for lawsuits to be filed domestically to compel regulation to meet those targets.

as much about constitutional and legal concerns as anything else. And the President's -- again, the important thing here is it put us in an economic disadvantage. The Paris Agreement was when we joined Paris.

know why? I think the applauded because they knew it was going to put this country at a disadvantage. And the reason European leaders -- going back to the question earlier -- that I think they know it will continue to shackle our economy, though we are leading the world with innovation.

all I've got. I've got to head to the airport. Thank you very much.

word is not our bond?

did you celebrate at a French restaurant last night? Was that a symbolic gesture?

ER: Thanks, Mr. Pruitt.

As morning, in the May jobs report, it was released showing that Americans seeking jobs are down more than at any point in the last 16 years. There's a lot of positive signs coming out of the economy. Over 600,000 private sector jobs have been added since the President took office. The key to the economy is a broader look at both unemployment and under-employment, fell a full percentage point in January. Long-term unemployment is down by 187,000 since the President took office. Americans are getting back to work, with that sector showing job growth for the second -- the second month. The President is not going to stop until every American who wants to work can find meaningful employment. He is tirelessly on policies that will keep the economy growing -- with a tax plan that will reward hardworking Americans and making it easier for businesses to thrive; an infrastructure plan that will put a trillion of investment and put Americans back to work rebuilding our nation's crumbling infrastructure; replacing the job-killing Obamacare with a system that encourages competition and driving economic growth; regulatory reform to reduce unnecessary burdens on manufacturing and other key industries; and a rollback since the Reagan years.

We expect the President to be focusing even more on jobs this month and holding events in cities across the country, keeping his pro-growth, pro-jobs agenda.

Later this afternoon, the President is going to be signing two bills that were both passed with overwhelming support. One protects those who protect us, our nation's veterans and public safety officers.

The first is the Public Safety Officers' Benefits Improvement Act of 2017, which was co-sponsored by Senator Chuck Grassley of Iowa and Senator Kirsten Gillibrand of New York. It was unanimously passed by the Senate. It will reduce the unacceptable backlog of families awaiting approval of survivor benefits for loved ones that were killed in the line of duty.

The second is the American Law Enforcement Heroes Act, which was co-sponsored by Senator John Cornyn of Texas. It was also unanimously passed the Senate, and assists state and local law enforcement by prioritizing the Department of Justice funding to law enforcement agencies that is critical to the safety of our communities. It is critical that we support our veterans and the loved ones of those who have paid the ultimate price for our communities.

The President is glad to be signing these important bills today, and there will be a pool spray celebration in the White House.

On Wednesday in Washington today, Education Secretary Betsy DeVos visited the Eagle Public Charter School to commend the school's support for inclusive school environments and celebrate the launch of the new Individuals with Disabilities Act.

At the State Department, Secretary Tillerson met this morning with the Foreign Minister of Brazil. Later this afternoon, he will join Defense Secretary Mattis to participate in the Australia-United States Ministerial Consultations. Prior to his arrival in Australia, Secretary Mattis will be in Singapore, where he will deliver remarks and meet with regional allies and counterparts.

c, I'd be glad to take a few questions.

anks, Sean. I want to ask about the push for the travel ban to the U.S. Supreme Court. The reasons that the President wants to keep this going is obviously now we have a full court. It gives the White House perhaps a chance to build on some momentum, especially if you think it would appear that his base was very pleased with what the President decided to do.

also like to ask as a follow about the XL pipeline. Can you give us an update on what the status is and development?

ER: I think that what we've said with respect to the executive order in question has been consistent with the implementation and the first court action. So last night, we asked the Supreme Court to be confident that the President's executive order is well within his lawful authority to protect our communities from terrorism.

President is not required to admit people from countries that sponsor or shelter terrorism if they are properly vetted and do not pose a threat or risk to the United States. That's what we've talked about.

have an update -- are you talking about in terms of production for Keystone? I don't

ank you, Sean. You were asked earlier this week about the President's personal views on climate change. He believes it's a hoax. You said you hadn't had a chance to have that conversation with him. What does the President actually believe about climate change? Does he still believe it's a hoax? Because apparently nobody else at the White House can.

ER: I have not had an opportunity to have that discussion.

What the American people deserve to know what the President believes on such an important

ER: I think that Administrator Pruitt pointed out that what the President is focused on is clean water, clean air, and making sure that we have the best deal for the American workers

7.

ER: Trey. Sorry.

worries. (Laughter.) Quick question for you related to the Paris climate agreement. It's important to continue to reduce carbon emissions and export clean energy technology?

ER: I think he understands the importance of clean air and clean water, as I just mentioned, but also doing so in a way that provides American workers and our economy a way to grow. Pruitt pointed out, we've got a lot of technology that we can export to other countries.

ER: Let me ask a quick question as it relates to climate change. Very simple definition of climate change is weather patterns. The EPA Administrator said today that he does feel there is some value in saying the earth is warming somewhat. Does the President share the EPA Administrator's thoughts on that? Or is he sort of backed away from using the words "climate change"?

ER: I don't -- I have not -- as I mentioned to Zeke, I have not had an opportunity to talk about that.

ER: Thanks, Sean. Yesterday the President painted a pretty dire economic picture if the United States backs out of the Paris Accords, saying it would be disastrous for the U.S. economy. And yet dozens of the top CEOs have lobbied the President in order to stay in the Paris Accords. Why would the President do that? Why if all those CEOs are saying, you know what, we need to do this? Is the President's economic forecasts and all those private sector leaders wrong?

ER: I think the President took input from a lot of individuals and there were other concerns about the implementation of it. Frankly, I think there were some companies and some organizations that you mentioned that, while they maybe wanted to stay in, also expressed concern about the economic impact. At the end of the day, the President's number-one priority is to get the best deal for the American people that he selected last year. This was -- I think one of the things that we've got to remember is that the President was on the campaign trail about his position on this, but he was also clear that he was going to get the best deal for the American people. And if you look at all of the deals that we have -- whether they're trade deals or not -- the President has made it very clear that he's committed to getting the best deal for American workers and manufacturers.

ER: Is the President going to replace Elon Musk and Bob Iger on the President's advisory council?

ER: I don't know at this point.

ER: Thank you, Sean. The President's critics are claiming that pulling out of the accord will hurt the economy. Do you agree with that sentiment? What does the White House have to say about that?

ER: I don't think -- I think part of the reason that the President said it was a bad deal was that other countries, including China, were not making substantial progress in reducing their carbon footprint and America was carrying the load. So I think by negotiating a better deal, hopefully we can get a better deal for our country and the world.

ER: Thank you, Sean. Yesterday, President Macron of France delivered a sharply worded speech about the climate change decision, saying it is bad for all of our children. And he said that if the U.S. backs out, he will come and move to France. What's the President's response to President Macron?

ER: I think that the President has made it clear since day one that his job is to protect and our citizens. As he said yesterday, he was elected to represent Pittsburgh, not Russia.

Thank you, Sean. The Washington Post has reported that the administration is considering returning properties in Maryland and New York to Russia. What is the reason for that? And what would the White House do to get back those properties?

ER: The State Department issued comments on that earlier saying, "The U.S. and Russia are projecting negotiations further along than they are." So the State Department has been very clear where we stand on that.

Has the President been following the Kathy Griffin meltdown? And does the family want a photo?

ER: Does what?

Does the family want a personal apology from Kathy Griffin after the beheading photo?

ER: Yes, the President, the First Lady, and the Secret Service have all made it very clear that they don't want any photos.

Sean, it's been a matter of curiosity in this town for a couple of days now -- is the White House going to exercise the privilege to prevent James Comey from testifying before the Senate Intelligence Committee?

ER: That committee hearing was just noticed, and I think obviously it's got to be reviewed.

Is that -- that's not a no?

ER: I was just saying I don't -- literally, my understanding is the date for that hearing has not been set yet. I don't know what that -- what they're -- how they're going to resolve it.

Sean, one on the tax bill and one on the debt ceiling. In the Rose Garden, the President said something about our tax bill is moving along in Congress very well. We've heard something about that in House Ways and Means. Is that what he was talking about? Or what tax bill was he talking about?

ER: I think, as you know, Secretary Mnuchin and Director Cohn were here a couple weeks ago and they were talking about what they look to see in legislation. They've had several discussions, both in the White House and with bipartisan and industry groups. And I think that the reception that the President's initial message is moving along very well with leadership and rank-and-file members.

Then on the debt ceiling, we've been getting some mixed messages from administration. Do you see a clean debt bill or whether you'd be -- can you explain what the President's feelings are on that? Is there any leaders attached on a decrease in spending or whatever? What is his feeling?

ER: I think both Secretary Mnuchin and Director Mulvaney have weighed in on this. They're going to work with Congress on. So we're not there yet; it's something that our team is going to work on.

Thanks, Sean. Two questions. Number one, when we heard the Administrator talk about this, he said it's not a signal that the U.S. wants to disengage on climate policy. So what is the administration taking to engage internationally on climate?

And, as you well know, climate has been a key part of cooperation between the U.S. and China. Is that a very important sort of intersection of interest with something else? Will you continue to work on cooperation on clean energy, for example, with the Chinese? Do you have any thoughts on that?

ER: Well, this is a decision that was just made yesterday afternoon, and I think the President has been talking with domestic stakeholders -- he mentioned in the speech yesterday he looks forward to talking about a way forward and reasonable ways in which we can engage in that. And then he'll be talking to world leaders. But that's a process that has to evolve.

on China?

ER: What's that?

on China? The relationship with China, the point of cooperation -- have you guys given any thought to that? Because the model was, you manage tensions with China as the U.S. government by having a relationship with China, and this was previously an area of cooperation. There's obviously other areas that the U.S. has a relationship with China, but do you envision some other cooperation on the area of climate with China?

ER: Well, the relationship that President Trump has established with President Xi has been very clear. He's talked about it very clearly. And it's a model in which they'll continue to build a relationship on issues, whether it's this or North Korea or other areas -- economic areas that they've talked about.

Thank you, Sean. I think that the great thing about this issue is that the relationship that the President has with President Xi is one that will allow them to move forward.

Thank you, Sean. In a recent statement by Senator McCain, he said that Vladimir Putin is a greater threat to the security of the U.S. than ISIS. Has the President had any conversation with you about that?

ER: No, he hasn't.

Thank you, Sean. Secretary Mnuchin has said that he wants the debt ceiling raised before the end of the year, so we're not going to run out of money by then. This morning -- he wants it clean as well. This morning the administration was willing to do whatever with Congress to get it passed before August, and they're not wanting spending cuts. So what does this look like? It doesn't sound as if the Treasury is going to want to do anything. What is the administration willing to take as far as spending cuts to get the debt ceiling raised?

ER: I think that was the nature of what Jen was asking, and I think that is a conversation that's going to be had with congressional leaders and other stakeholders, Freedom Caucus and other members, and I think there's bipartisan recognition that we need to get that done. And so Secretary Mnuchin and other members of the team will continue to work with congressional leaders to get that done.

n, could you tell me, how is the President dealing with the fact that there are several bipartisan group, the U.S. Conference of Mayors, who are against the President's withdrawal. How does this President move forward with what he's saying about making coal great again. From the economics of clean energy, and then walking out of Paris, when you have mayors continue with the Paris Agreement?

ER: Well, if a mayor or a governor wants to enact a policy on a range of issues, they have to pass it through their state legislatures and that's what they should do. We believe in states' rights, and so if a locality wants to enact a policy that their voters or their citizens believe in, then that's what they should do.

I will say that -- with respect to elected officials, there was, I think, a large contingent of government that were very pleased with the President's decision yesterday and applauded it.

A bipartisan group of Republican and Democratic mayors who are very upset by this.

ER: And we have some bipartisan support for it.

y. And last topic -- there are a number of reports on hate crimes. Nooses have been hanging from the President toured, the African American History and Culture Museum. And also the worst that you could say, spray-painted on LeBron James's home. What is the President's response to all this? Locally, people are saying over the last 130-plus days people are feeling that there has been a lot of hate coming from this White House.

ER: Well, I would respectfully disagree with the premise of that. I think we need to move forward. And this President made it clear from election night to his inauguration that he was committed to moving it forward.

Thank you. Did Secretary of State Rex Tillerson endorse withdrawing from the Paris Climate Agreement?

ER: I'm not privy to the conversations that individuals had with the President.

Were you told he wasn't at the announcement yesterday.

ER: I don't know.

Can you clarify the nature of the conversations that Jared Kushner had with Russian officials and what was the date of the meeting with the banker?

ER: I cannot. And as I mentioned the other day, we're focused on the President's agenda. Questions on these matters will be referred to outside counsel, Marc Kasowitz.

How can you not answer questions about it when the President himself tweets about it?

ER: I just -- we're focused on his agenda, and all, going forward, all questions on these matters will be referred to outside counsel.

ks. Firstly, noting that you're not responding to any of those questions -- if you could get spokespeople or people who will respond to this, that would be helpful. Two things. What would you like to say for the FBI director?

ER: As I mentioned yesterday -- I guess a couple days ago -- the President continues to say that. When we have an update on that we'll let you know.

Q: You said you haven't talked to the President yet about whether he still believes in climate change -- would it be possible for you to have that conversation with him and then report back?

ER: If I can, I will.

Q: Although Administrator Pruitt can't say where the President stands on climate change, his administration helped the President make this decision to withdraw from the Paris Agreement. The President stands, without knowing whether or not he thinks climate change is real?

ER: My understanding is that individuals gave the President advice on the deal at hand. He decided what was best for the country and our people on the merits of the agreement.

Q: Now, we know that the President heard a lot of points of view on this on both sides of the aisle -- maybe a false impression -- that it was a difficult decision and that he was wavering. Yesterday, he was emphatic about getting out of the agreement. In the end, was this an easy decision?

ER: I honestly don't know. I mean, that's what -- the President is the ultimate decision maker. His decision -- when he gets the information that is required he lets us know that has a decision.

Q: Another thing. There's a lot of talk about renegotiation. Why renegotiate? The United States could simply reduce the targets. Why not just do that?

ER: Because the President believes that it is in our country's best interest to renegotiate. Now, the President signed a waiver yesterday that delays a campaign promise to move the embassy. I know you said that this was to not hinder any sort of peace deal. But how confident is the President in a campaign promise that he's going to keep?

ER: I think when the President signed the waiver under the Jerusalem Embassy Act and moved the embassy from Tel Aviv to Jerusalem, no one should consider this step in any way to be a weakening of strong support for Israel and for the U.S.-Israeli relationship.

Q: The President made this decision to maximize the chance of successfully negotiating a deal between the United States and Israel, fulfilling a solemn obligation to defend America's national security interest. But as he moves to move the embassy, the question is not if that move happens, but when.

Q: He promised in the campaign to do it on day one. I mean, is there a time frame now?

ER: His ultimate goal is to get peace. And as I said, it's not an "if," it's a "when

a.

nk you, Sean. Following up on Kaitlan's question, -- and I have a second thing after
n's position, though, that Jared Kushner was in the meeting with the Russian banker as
n, representing the President?

ER: As I said to Kaitlan, we're focused on the President's agenda, and going forward,
be referred to outside counsel, Marc Kasowitz.

, something you may be able to answer directly, does the President still have confide

ER: Absolutely.

nk you, Sean. One of the ethics waivers the White House released applied to all White
scussions with the news media was retroactive. Was that aimed as -- did the White Hou
with Breitbart News in mind? Was that applied retroactively to address those communi
Director Shaub's claim that if you (inaudible) retroactively you have violated the rule

ER: Yes, that's correct. There's two pieces to that that are important. One is, ren
e law or regulations. This had to do with the President's pledge -- so he is the ulti
sn't with respect to a law or regulation. And what we discovered was that several inc
rked for media organizations, and in order to continue having those discussions and ac
orities, it was important to make sure that all individuals had the opportunity to be
that the President was doing to make the country stronger.

it's worth, today happens to be National Leave Work Early Day. (Laughter.) I hope y
nd maybe you can go home -- if you participated in National Donut Day -- you can go ho

t, I hope you guys take advantage of that day. Have a great weekend. Thank you.

you going home early? (Laughter.)

END

2:19 P.M. EDT

#52-06/02/2017

nsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

Message

From: Hannon, Arnita [Hannon.Arnita@epa.gov]
Sent: 3/13/2017 9:47:51 PM
To: Cheatham-Strickland, Latonia [Cheatham-Strickland.Latonia@epa.gov]
CC: Bangerter, Layne [bangerter.layne@epa.gov]; Bowles, Jack [Bowles.Jack@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Konkus, John [konkus.john@epa.gov]; Anderson, Denise [anderson.denise@epa.gov]; Matthews, Demond [matthews.demond@epa.gov]
Subject: Updates for NLC Flow Tomorrow-Slightly Revised Briefing Doc Attached
Attachments: BriefingforAdministratorNLCSpringMtg2017.docx

Some updates – reflected in revised Briefing Doc attached:

Mayor Freeman-Wilson (Gary, IN) WILL introduce the Administrator at the Luncheon.

In the M&G, Mayor Craig Thurmond (Broken Arrow, OK), will introduce the Administrator. President Zone will then kick off the discussion.

For the M&G, Energy, Environment and Natural Resources Committee Chair Mayor Sal Panto (Easton, PA), is unable to attend.

Thank you!

Arnita

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BRIEFING MEMO FOR ADMINISTRATOR PRUITT

U.S. ENVIRONMENTAL PROTECTION AGENCY
Washington D.C.

March 9, 2017

**NATIONAL LEAGUE OF CITIES
2017 Congressional City Conference
LEADERSHIP MEET & GREET; CLOSING LUNCHEON PLENARY REMARKS**

DATE: Tuesday, March 14, 2017
LOCATION: Marriott Wardman Park Hotel, Washington, DC
MEETING TIME: 12:30 pm – 2:15 PM
YOUR TIME: **12:30 pm – 1:05 pm**
FROM: Layne Bangerter, DAA for Intergovernmental Relations

I. PURPOSE

YOU will attend a Meet and Greet with NLC leadership from 12:30 PM – 12:45 PM before remarks during the Closing Luncheon Plenary. During the Meet and Greet, NLC leadership will share perspectives on issues of concern to cities and towns. **YOU** will engage in dialogue about how EPA can continue to partner with NLC in addressing these issues. NLC President Mayor Matt Zone (Cleveland, OH), will facilitate the discussion after Mayor Craig Thurmond (Broken Arrow, OK), NLC Board of Directors, introduces you. **[Closed Press]**

Following the Meet and Greet **YOU** will proceed to the Marriott Ballroom to deliver brief Remarks, from 12:50 PM – 1:05 PM, on EPA's Priorities Under the Trump Administration. NLC 2nd Vice President Mayor Karen Freeman-Wilson (Gary, IN), member of EPA's Local Government Advisory Committee, will introduce **YOU**, and thank **YOU** for your remarks. **YOU** will depart the stage, and the hotel. **[Open Press]**

NLC's Congressional City Conference is the association's annual legislative meeting, which focuses on educating its members about federal issues affecting cities and towns and launching NLC's lobbying effort around specific federal priorities. Approximately 2,000 delegates are expected to attend, and most of these will comprise the audience for the Closing Luncheon Plenary. The majority of the people in the audience will be elected officials (about one-third mayors and two-thirds council members). While most of the large cities will be represented, about 75% of the audience will include representatives of cities and towns with populations under 60,000. Throughout the conference, EPA staff will appear in various workshops and sessions to highlight a number of EPA's priority programs and initiatives, including: Brownfields; Integrated Stormwater Management Planning/Affordability; and the National Drinking Water Action Plan. Office of Air and Radiation staff will join a panel on Sunday, March 12, to discuss the Volkswagen Settlement, and resources for local communities, during the Energy, Environment and Natural Resources Committee meeting.

NLC is a national bi-partisan group of city officials and represents more than 218 million Americans in partnership with 49 state municipal leagues, over 1,600 member cities, and more than 19,000 cities, towns and villages. The organization and its members are ardent and consistent supporters of EPA's programs to support local communities.

II. PARTICIPANTS

Leadership Meet and Greet: President Councilman Matt Zone (Cleveland, OH); 1st Vice President Mayor Mark Stodola (Little Rock, AR; member, EPA's Local Government Advisory Committee); Mayor Craig Thurmond (Broken Arrow, OK; member, NLC Board of Directors); Deputy Mayor Cynthia Pratt (Lacey, WA), Vice Chair Energy, Environment and Natural Resources Committee (EENR); Councilmember Hattie Portis-Jones (Fairburn, GA), Vice Chair. EENR.

III. AGENDA (12:30 pm – 12:45 pm) (Closed Press)

- **YOU** will be introduced by Mayor Craig Thurmond (Broken Arrow, OK), NLC Board of Directors.
- **YOU** will hear briefly from individual leadership members on cities' and towns' perspectives.
- **YOU** will engage in dialogue, facilitated by Councilman Zone, and depart for your Closing Luncheon Plenary Remarks at the conclusion of the Meet & Greet.

IV. PARTICIPANTS

Closing Luncheon Plenary: Local elected and non-elected officials representing cities, towns and municipal governments of all sizes and populations from across the United States.

III. AGENDA (12:50 pm – 1:05 pm) (Open Press)

- **YOU** will be introduced by Mayor Karen Freeman-Wilson (Gary, IN), NLC 2nd Vice President.
- **YOU** will deliver brief Remarks (10 minutes): EPA's Priorities
- Following your remarks, **YOU** will be thanked by President Zone and will depart the luncheon and the hotel.

Staff

- **YOU**
- Layne Bangerter, OCIR
- M. Arnita Hannon Christmon, OCIR

IV. TALKING POINTS (Will be provided separately)

V. ATTACHMENTS

- NLC National Issues
- NLC/EENR Leadership Bios; Hot Issues

National League of Cities – National Issues

Climate Change

NLC believes that the nation's local elected officials recognize that climate change is a leading environmental threat facing cities, which must be addressed comprehensively. Across the country, local governments are seeing the devastating effects associated with a changing climate; and recent extreme weather events such as heat waves, droughts, heavy downpours and floods, which are becoming more common in communities, have brought a renewed attention to the need for cities to anticipate, prepare for, and adapt to these events.

As first responders, cities are on the front lines when it comes to bearing the impacts and the costs of these events. Cities are taking action to reduce their greenhouse gas emissions; adapt to a changing environment; and create community resilience that will help save lives, strengthen local economies, save taxpayer dollars, and build preparedness for future events. Local governments seek a strong federal partner to support these efforts.

Climate Change Impact on Water Infrastructure

NLC urges Federal Agencies to support communities as they continue on the front lines in mitigating and adapting to the impacts of climate change and building strong, resilient communities. As communities address climate challenges, upgrading the water infrastructure must be a priority.

NLC believes that one of the key ways the climate impact challenges manifests itself locally is in the need for local governments to upgrade their water infrastructure, while complying with new federal requirements and ensuring that their systems and communities are prepared for the impact of climate change, including impacts on water quality and quantity.

Water Infrastructure Investment; SRFs and WIFIA

NLC strongly supports the Clean and Drinking Water State Revolving Loan Funds, and the Water Infrastructure Finance & Innovation Act (WIFIA), which help cities make needed investments in drinking water and wastewater infrastructure.

Integrated Stormwater Management Planning/Affordability

NLC supports Integrated Planning which allows local governments to address their most pressing water infrastructure needs as they prioritize innovative and affordable approaches to meeting Clean Water Act requirements. NLC has joined the US Conference of Mayors (USCM) and the National Association of Counties (NACo), in urging EPA to be more aware of the financial capability of citizens who cannot afford soaring water and wastewater costs. These three Associations are part of the continuing dialogue with EPA on Clean Water Act requirements, eliminating the use of 2% Medium Household Income (MHI) as a measurement for what a city/town can afford when addressing water infrastructure, and allowing increased flexibility under the terms of Consent Decrees. Integrated Planning, incentivizing the use of Green Infrastructure, and reducing unfunded mandates are all ways that NLC believes can be more cost effective and beneficial to the communities it represents.

Brownfields

NLC continues to fully support the Brownfields program and views the program as a key tool in the redevelopment efforts of communities. NLC has urged a number of reforms for inclusion in any Brownfields Reauthorization legislation: increase the overall funding authorization level; increase the cap on the assessment grant amounts, whether site specific or community wide; increase the technical assistance offered to communities; authorize funding for multipurpose grants to provide greater financing certainty for large, complex projects; and allow eligible entities to use a portion of their grant funding for administrative costs. In addition, NLC views liability concerns as one of the Program's greatest challenges, and has urged Congress to clarify and expand

liability protections for public entities that acquire contaminated brownfields sites where the public entity had no involvement in the contamination



Councilmember Matt Zone (Cleveland, OH)

President

Councilman Matt Zone grew up in the Detroit Shoreway neighborhood on Cleveland's near west side and was elected to office in November of 2001. Councilman Zone chairs Cleveland City Council's Safety Committee and is a member of the Development, Planning and Sustainability; Workforce Community Benefits; Finance and Operations Committees. Councilman Zone also serves as Council's representative on the City of Cleveland's Public Art Committee.

Councilman Zone is recognized nationally, regionally and locally as a leader on environmental and arts & cultural issues. Currently, he serves as the Second Vice-President of the National League of Cities, the nation's oldest and largest organization representing 19,000 cities, towns and villages, serving more than 218 million Americans. Regionally, Councilman Zone is a past President of the Northeast Ohio City Council Association (NOCCA) and one of the original members of the Great Lakes Energy Development Task Force, which is working to create off-shore wind generation in Lake Erie. He also serves on the steering committee of the Regional Prosperity Initiative (RPI) which is working to create a "Smart Growth" plan and "Revenue Sharing" for Northeast Ohio. Locally, Councilman Zone continues to be a tireless advocate for alternative energy and green building, by evidence of the fact that his ward is home to the only EcoVillage in our state and one of the first in the country. The EcoVillage is complete with a LEED built school, theatre and certified Regional Transit Authority (RTA) rapid station, highly energy efficient homes that heat & cool for less than \$500 annually and has a model storm water demonstration project on a 25-acre city recreational facility.

Councilman Zone is a graduate of Cleveland State University's College of Urban Affairs and graduate of St. Edward High School. He and his wife Michelle have a son who is a recent graduate of Kent State University.

Hot Issues

Cuyahoga River Dredging

Message:

- U.S. EPA is not involved in the bitter dispute between the state of Ohio, Cleveland and the Army Corps over dredging in the Cuyahoga River. EPA told all the parties several years ago the Agency would not intervene and suggested they mediate their differences.

Background/Status: The acrimonious dispute between the state of Ohio, Cleveland and the Army Corps of Engineers continues in federal court where it awaits the latest ruling from a judge. EPA refused to intervene in the dispute several years ago and instead urged all the parties to negotiate an end to the issue. That didn't happen. Ohio and Cleveland say the river sediment is polluted and don't want it dumped into Lake Erie. The Corps says the sediment is fine and it will be much cheaper to use Lake Erie instead of a confined disposal facility. A federal judge will decide the dispute.

Ohio Impaired Waters Listing and Lake Erie

Message:

- EPA is working to finalize its decision on Ohio's 2016 impaired waters list (Clean Water Act 303(d) list)

Background/Status: Lake Erie has experienced serious algal blooms for a number of years. Michigan listed its portion of Lake Erie as impaired on its 2016 impaired waters list (303(d) list). Ohio listed the shoreline areas of Lake Erie as impaired on 2016 list but did not list the open waters as impaired. EPA has not acted on the impaired waters list, and has received two notices of intent to sue the agency for failure to do so. EPA is continuing to discuss this matter with Ohio EPA.

Advanced Medical Systems (AMS)

Message:

- EPA is coordinating with the Ohio Department of Health (ODH) to compel the site owner to take further actions to secure the site and prevent off-site contamination

Background/Status: AMS operated a facility that created sealed radiological sources to be used in medical equipment. The facility shut down operations in 1994 and began decommissioning the facility in 2003 under ODH oversight. AMS ceased decommissioning efforts and ODH requested EPA assistance in 2015 with a site assessment. In 2016, ODH requested EPA assistance in response to a break-in and vandalism at the site. EPA efforts focused on securing the site against vandalism and reconnecting electricity to prevent site water contaminated with Cobalt-60 from leaving the site. EPA continues to coordinate with ODH in order to compel AMS to further secure the site.

Tremont Fields Site

Message:

- U.S. EPA anticipates beginning the removal action this summer.
- We are working closely with Cleveland and Cuyahoga County to coordinate schedule and develop construction and grading plans

Background/Status: In February 2016, U.S. EPA received a request for assistance in addressing elevated levels of polycyclic aromatic hydrocarbons (PAHs) and lead in surface soils at the Tremont Field Park Site in Cleveland, Ohio. An assessment of the park was conducted by the city prior to planned improvements in conjunction with a large Cuyahoga County project extending a local Towpath through the park to connect near Lake Erie. The source of the contamination is unknown. The city has

ceased organized activities at the park. Upon review of submitted data and a search for responsible parties, EPA prepared an Action Memorandum requesting funding for a Time-Critical Removal Action that was signed last August.

The removal action will largely consist of placing a 2-foot soil barrier over the contaminated areas to allow for park renovations and the Towpath construction. U.S. EPA has been working with the city to develop grading plans, scheduling of work and coordination with county work on the towpath and an approach to phase the project over multiple years if needed. EPA anticipates beginning work this summer. There has been some media interest with particular attention on length of the removal action and potential completion not until 2018.

Opportunity Corridor Project

Message:

- U.S. EPA is not directly involved in this controversial project although the Agency awarded over \$800,000 in planning and brownfields grants several years ago. The Opportunity Corridor Project is at a standstill pending resolution of a bitter city/state dispute.

Background/Status: Although U.S. EPA is not directly involved, the Opportunity Corridor Project is on hold pending resolution of an acrimonious dispute between Cleveland and the state. The city is upset that Ohio passed a law prohibiting municipalities to require local hiring quotas on publically funded projects. The city contends the law undermines Home Rule. However, in January a Cuyahoga County judge ruled the state overstepped its constitutional authority when it sought to thwart Cleveland's requirement that city residents get to work on public projects and permanently blocked the state law. This dispute is at the core of the city's withholding of \$3.1 million for the completion of Phase II and III of the Opportunity Corridor Project. Cleveland is also refusing to issue permits for the project. U.S.EPA supported the project with a \$175,000 Area Wide Planning grant in 2010. We also supported the project by providing funding to assist the city as they assemble property along the corridor for redevelopment. This assistance came in the form of a \$600,000 Brownfields Coalition Assessment grant to Cuyahoga County Department of Development (a portion of which was set aside for Opportunity Corridor), and \$140,000 in Targeted Brownfields Assessment Funds.

Modification to Northeast Ohio Regional Sewer District Combined Sewer Overflow Consent Decree

Message:

- EPA is committed to working with NEORSD on the consent decree implementation to protect Lake Erie and area tributaries.

Background/Status: In 2011, a federal consent decree (CD) was entered that resolved more than seven years of Clean Water Act violations by the Northeast Ohio Regional Sewer District (NEORSD), which serves the city of Cleveland and 61 adjoining communities. The settlement

included substantial gray infrastructure and green infrastructure control measures to control approximately 4 billion gallons of combined sewer overflow (CSO) discharges in a typical year. In December 2016, EPA approved NEORSD's requested changes to five CSO control measures and successfully negotiated new language reflecting those changes that Department of Justice will process as a minor modification to the CD.

BASF Site

Message:

- EPA is overseeing the investigation and cleanup of hazardous waste contamination at the BASF Site.
- As part of its oversight, EPA's Corrective Action Program hosts a multi-agency stakeholders group that includes the city of Cleveland, the state of Ohio and the U.S. Army Corps of Engineers. The group shares information on site issues including the status of investigations and cleanups

Background/Status: The BASF Cleveland site, located at 1000 Harvard Ave. is four miles south of downtown Cleveland. The site is situated on the western shore of the Cuyahoga River, within the Cuyahoga River Great Lakes Area of Concern. BASF is under a RCRA Unilateral Administrative Order that requires the investigation and remediation of hazardous waste contamination found at its Cleveland property. BASF completed a Phase One remedial investigation under RCRA Corrective Action Program oversight in 2016. This year, BASF continues to investigate soil, groundwater, and river contamination to prepare for future remediation.

EPA is continuing its Clean Water Act enforcement action against BASF for discharging from outfalls without a permit. Sampling revealed low levels of contamination in discharged water released to the Cuyahoga River (concentrations were within acceptable CWA and DOD/NRC limits). The site is also under investigation and remediation jurisdiction of the USACE under the Formerly Utilized Sites Remedial Action Program ("Harshaw Site"). The USACE is responsible for investigating and remediating radiological contamination including soil and groundwater. However, remediation of the radionuclide contamination at the property is currently unfunded.

Cleveland Off-shore Wind Energy Pilot Project

Message:

- EPA provided scoping comments to the U.S. Department of Energy in October 2016 for DOE's planned environmental assessment.
- When the environmental assessment is issued for public comment, EPA will review and comment on it.
- EPA signed the Great Lakes off-shore wind Memo of Understanding in 2012 and will work with other federal and state agencies to develop a streamlined, integrated permitting process.

Background/Status: A pilot offshore wind project is being planned 8 miles off downtown Cleveland in Lake Erie, but the project faces financial uncertainty. The 6-turbine "Icebreaker" project would generate 21 megawatts of electricity (the amount of power for 5,700 typical American homes). Municipally-owned Cleveland Public Power has committed to purchase up to 20 percent of the electricity from the

project. Lake Erie Energy Development Corporation (LEEDCo), comprised of county governments from Cuyahoga, Lorain, Lake and Ashtabula Counties, Ohio, and Erie County, Pennsylvania, the City of Cleveland, NorTech, and the Cleveland Foundation, is the developer. DOE is considering whether to provide \$46 million or more in construction funding for this \$100 million project and is preparing an Environmental Assessment (expected spring 2017) to inform that decision. DOE has given over \$6 million in past planning, engineering, and design grants to this project.

Issue: Cleveland Off-shore Wind Energy Pilot Project

Message:

- EPA provided scoping comments to the U.S. Department of Energy in October 2016 for DOE's planned environmental assessment.
- When the environmental assessment is issued for public comment, EPA will review and comment on it.
- EPA signed the Great Lakes off-shore wind Memo of Understanding in 2012 and will work with other federal and state agencies to develop a streamlined, integrated permitting process.

Background/Status: A pilot offshore wind project is being planned 8 miles off downtown Cleveland in Lake Erie, but the project faces financial uncertainty. The 6-turbine "Icebreaker" project would generate 21 megawatts of electricity (the amount of power for 5,700 typical American homes). Municipally-owned Cleveland Public Power has committed to purchase up to 20 percent of the electricity from the project. Lake Erie Energy Development Corporation (LEEDCo), comprised of county governments from Cuyahoga, Lorain, Lake and Ashtabula Counties, Ohio, and Erie County, Pennsylvania, the City of Cleveland, NorTech, and the Cleveland Foundation, is the developer. DOE is considering whether to provide \$46 million or more in construction funding for this \$100 million project and is preparing an Environmental Assessment (expected spring 2017) to inform that decision. DOE has given over \$6 million in past planning, engineering, and design grants to this project.

Issue: Arco Noble Road Recycling Facility, East Cleveland, Ohio

Message

- U.S. EPA is supporting Ohio EPA's lead in addressing citizen complaints.

Background/Status: Often called the Noble Road Landfill, this recycling center near the Cleveland town line has been accepting construction and demolition debris. Although it intended to recycle the material, Arco has been primarily stockpiling it. It is currently about one football field in size, four stories tall in places. Ohio EPA has taken the lead to resolve citizen complaints of dust, vectors (e.g. rats), and even fire at the site. Ohio EPA Division of Materials and Waste Management recently issued orders that require Arco to stop receiving material and to remove the existing material from the site. The material has not been removed to-date.

Region 5 Tentative Decision to Grant Authority to Seek Increase in Amount of Ammonia Discharges to Cuyahoga River Under NPDES Permit

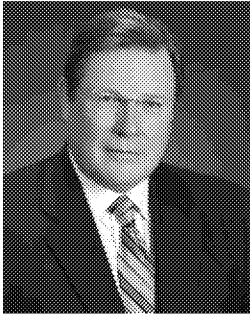
Message:

- The Region 5 RA issued a Tentative Decision in November 2015 that would - under CWA

301(g) – authorize ArcelorMittal Cleveland to seek an increase from Ohio EPA in the amount of ammonia ArcelorMittal Cleveland is authorized to discharge to the Cuyahoga River under its NPDES permit.

- Ohio EPA plans to publish both Region 5’s Tentative Decision under CWA 301(g) and a draft revised NPDES permit that incorporates increased ammonia discharges for public comment in the very near future.

Background/Status: The practical impact of this decision if incorporated into a final NPDES permit would allow an increase in discharges of ammonia by ArcelorMittal to the Cuyahoga and ultimately to Lake Erie. Region 5 believes that such an increase would not cause any impairments or adversely affect ambient water quality and would not adversely affect the size or frequency of algal blooms. Region 5 will make a final decision about whether to authorize the increase in ArcelorMittal’s discharges following the close of the public comment period.



Mayor Mark Stodola, (Little Rock AR)

1st Vice President

**Member: EPA's Local Government Advisory Committee*

Mark Stodola was elected as Mayor for the City of Little Rock, beginning his term in January 2007 and re-elected to a 2nd term beginning in 2011, capturing 84% of the vote. As Mayor, he has helped prioritize public safety as the City's first and foremost obligation, resulting in substantial decreases in violent crime and property crime. Since Mayor Stodola took office, the City's homicide rate has fallen more than 50% with the violent crime rate falling 34%.

The Mayor has partnered with the State Arkansas Economic Development Commission and the Chamber of Commerce to bring over \$1 billion in new capital investment to the City and more than 4,100 new jobs since taking office. In 2009, he crafted a major bond initiative that resulted in \$6.9 million dollars in improvements to the City's park system. In addition, in 2011, he led a successful campaign to increase the City's sales tax garnering an 8% point win in the midst of the greatest economic upheaval since the Great Depression.

Mayor Stodola has been key in promoting the revitalization of Little Rock's Main Street, resulting in the City having been awarded a "Greening of America's Capitals Grant" from the Environmental Protection Agency and an "Our Town Grant" from the national Endowment for the Arts for the creation of an Arts District in the heart of the downtown core.

Hot Issues

Little Rock Greening America's Capital

Amount Invested: \$3,000,000 (CWA Section 319(h) Funds and Brownfields Cleanup Grants and Loans

Message:

- The City of Little Rock and its leadership should be proud of what has been accomplished with Greening America's Capital technical assistance planning grant which ultimately lead to the Main Street Corridor revitalization.
- The City has taken the lead in Region 6 with the project, an effective demonstration of Green

Infrastructure in an existing urban space.

- In 2012, we awarded the Arkansas Natural Resources Commission and the City of Little Rock \$900,000 in Clean Water Act Section 319 funds.
- The City utilized the funds to install several water quality mechanisms including rain gardens, curb extensions, pervious paving, infiltration trenches, bio-swales and tree meanders along the corridor.
- These Best Management Practices are being used to both improve water quality and provide valuable education in urban environments where folks generally aren't exposed to water quality restoration.
- Region 6 is pleased to have played a role in this great project and want to see other cities in Region 6 implement similar approaches to revitalize urban areas!

Background/Status: Greening America's Capitals in Arkansas- The FY 2016 Little Rock, Arkansas, Greening America's Capitals/Clean Water Act (CWA) Section 319 project on Main Street is progressing and on schedule. EPA Region 6 awarded the Arkansas Natural Resources Commission \$536,500 in CWA Section 319 funds to continue work begun in FY 2012 (\$900,000 in CWA Section 319 funds) to renovate Main Street using nonpoint source pollution prevention Best Management Practices. The engineering firm has been secured. Some conceptual drawings of the proposed BMP (bio-swales, vegetative wall, rain gardens) have been done and presented but not finalized. A public meeting held to discuss the project went well and had a positive response from attendees. EPA's assistance in cleaning up brownfields and helping the city plan for green infrastructure helped spur other public investments, such as a \$150,000 grant from the National Endowment of the Arts for a "creative arts corridor," and almost \$80 million in private investment in renovations to buildings along Main Street that stood vacant or underused for many years.

Buffalo River Watershed Based Plan Development

Amount Invested: \$107,189 (Clean Air Act Multipurpose Funds)

Message:

- EPA awarded the grant to ADEQ to commence the development of the Watershed Management Plan for the Buffalo River Watershed.
- The plan will assess all sources of bacteria in the watershed and look at strategies to reduce loads.
- ANRC is taking the lead in developing the plan.
- ADEQ anticipates that the plan will be completed by FY 2018.

Background/Status: EPA awarded ADEQ a Multipurpose grant (\$107,189) to fund the development of a Watershed Management Plan for the Buffalo River. ADEQ has partnered with Arkansas Natural Resources Commission to develop the plan. The first stakeholder meeting was held in Marshall, Arkansas, on December 8, 2016, with 130 in attendance and was very productive. Following an information session regarding the development process and the 9 key elements, the group separated into two groups and discussed general issues. The second meeting is scheduled for March 30, 2017, in Jasper, Arkansas.

Issue: Water Grants Update

Message:

- In FY 2016, EPA awarded ADEQ
 - \$ 2,236,000 in Clean Water Act Section 106 Funds for water quality monitoring and assessment,
 - \$ 3,057,000 in Clean Water Act Section 319(h) Funds for non-point source implementation projects, and
 - \$107,189 in Clean Air Act Multipurpose Funds specifically for the Buffalo River
- EPA is currently under a continuing resolution through April 28, 2017.
- No final grant awards amounts can be determined until EPA receives another continuing resolution, or a final budget.
- EPA is continuing to move ahead an award funds to state and tribes.

Mark Stodola Praises Partnership with EPA Region 6 Brownfields Program

Message:

- Little Rock Mayor Mark Stodola continues to praise the EPA Region 6 Brownfields Program for their partnership in successful revitalization efforts in downtown Little Rock and in particular the Creative Corridor.
- The City of Little Rock is formally partnered with the City of North Little Rock and Pulaski County through an EPA Brownfields Revolving Loan Fund grant.
- Pulaski County/Little Rock received \$4 million in brownfield funds over the past 10 years. This resulted in over \$38 million dollars leveraged since the inception of the Pulaski County brownfields program.

Background/Status: Little Rock is the recipient of a Greening America's Capitals project focusing on incorporating green infrastructure in the downtown corridors. The city is a key partner with EPA's Brownfields Program, having received cleanup funding through the Brownfields Revolving Loan Fund (RLF) Grant to remediate several buildings on Main Street in downtown Little Rock. The Creative Corridor Project, Little Rock, Arkansas, is the transformation of four neglected blocks of Main Street in downtown Little Rock into an arts district, catalyzed from historic tax credits. The K-Street Lofts, Main Street Lofts and Capital Lofts along Main Street received clean up loans to abate asbestos and lead-based paint from Pulaski County's Brownfields RLF Program totaling \$1,585,000. The program created 40 permanent jobs on Main Street and serves as a catalyst for downtown revitalization and economic development.



Mayor Craig Thurmond (Broken Arrow, OK)

NLC Board of Directors

Mayor Craig Thurmond was first elected to City Council in 2001 and served as Vice Mayor from 2003-07 and again from 2010-12.

Mayor Thurmond is a Tulsa native that served in the U.S. Marine Corps during the Vietnam War. He moved to Broken Arrow in 1977. Broken Arrow has a population of 98,850 (2010 census), and is the fourth largest city in the state. Since moving to Broken Arrow, Mayor Thurmond has been, and currently serves on, many boards in the area including:

- The Tulsa County Conservation District Board of Directors since 1997
- City of Broken Arrow's representative on the Metropolitan Environmental Trust Board of Trustees
- Indian Nations Council of Government
- National League of Cities Community and Economic Development Steering Committee
- Helped form and sits on a National Committee on Regulatory Reform which focuses on reducing Federal Government regulations
- Many other non-profit boards

Mayor Thurmond has worked in the construction industry for over 30 years and owns a small business, Thurmond Consulting, located on Main Street in Broken Arrow. He was recently named 2016 "Elected Official of the Year" by the Broken Arrow Chamber of Commerce.



Mayor Karen Freeman-Wilson (Gary, IN)

2nd Vice President [MC for Luncheon; Cannot Attend Meet & Greet]

**Member: EPA's Local Government Advisory Committee*

In November 2011, the citizens of Gary, Indiana chose a new day for the city by electing Karen Freeman-Wilson, Mayor. On December 31, 2011, Freeman-Wilson became the first woman to lead the steel city and the first African-American female mayor in the State of Indiana.

Often comparing herself to “Dorothy from Oz,” Freeman-Wilson has been asked to render counsel on various matters throughout the United States and other parts of the world, but she often quips that “there is no place like home.” Along with her husband Carmen Wilson and their daughter Jordan, Freeman-Wilson resides in her native city of Gary, Indiana. She was valedictorian of her graduating class at Gary’s storied Roosevelt High School and went on to become an honors graduate of Harvard College and Harvard Law School.

Despite her breadth of travel and influence throughout the United States, Freeman-Wilson’s loyalty and commitment to her home city has never wavered. Indeed, her passion for Gary, coupled with her experience and training, have positioned her for leadership and prepared her to tackle the major challenges facing the city. She is the immediate past CEO of The National Association of Drug Court Professionals and Executive Director of The National Drug Court Institute based in Washington, D.C. With Freeman-Wilson at the helm, the number of drug courts in the U.S. doubled to 1700 and NADCP became the premier organizational advocate for drug treatment in the judicial arena. Freeman-Wilson has consulted with the Office of White House Drug Control Policy, the Department of Justice and the National Highway Traffic Safety Administration in the creation and implementation of drug policy. As the twice-elected Gary City Judge, she helped pioneer the drug court movement in Indiana.

Hot Issues

Proposed Clean Water Settlement

Messages:

- As a result of the proposed agreement, Gary will take important steps to improve water quality in local waterways by addressing illegal sewer overflows and remediating the PCB contaminated Ralston Street Lagoon.
- EPA is reviewing the public comment received and is committed to working with Gary on the successful implementation of a settlement.

Background/Status: On Dec. 12, 2016, a federal Consent Decree was lodged that resolves many years of Clean Water Act and Toxic Substances Control Act violations by the City of Gary, Indiana, and Gary Sanitary District. The settlement requires that GSD, over the next 25 years, develop and implement a plan to control the Combined Sewer Overflow discharges to the Grand Calumet and Little Calumet Rivers, continue to remediate the polychlorinated biphenyl contaminated Ralston Street Lagoon, pay a civil penalty of \$75,000 and spend \$175,000 on a Supplemental Environmental Project to remove invasive plant species from the Pine Station Nature Preserve “oxbow,” a 19-acre area on the bank of the Grand Calumet River. The Northwest Indiana Federation of Interfaith Organizations/Jobs Matter and the Hoosier Environmental Council submitted a comment, on the proposed CD concerning local hiring for jobs and additional opportunities for public input/community engagement. EPA and the state are reviewing the comment.

Summit Inc. Hazardous Waste Enforcement

Message:

- EPA is seeking to clean up lead and benzene contaminated soil located at Summit Inc. in Gary.
- EPA is pursuing escalated enforcement as a result of its cooperation with the Indiana Department of Environmental Management.

Background/Status: Summit operates a medium to large-sized scrap recycling facility with a shredder and twenty mobile crushers within an environmental justice area of Gary, Ind. Summit’s handling of solid and hazardous wastes resulted in the release of lead, benzene and other hazardous constituents to the soil in unsafe concentrations. Summit has failed to comply with numerous EPA and IDEM requests and orders for cleanup dating back to 2005. EPA referred Summit to the Department of Justice for enforcement action under the Resource Conservation and Recovery Act.

EPA Issued Clean Air Violation Notice to City

Message:

- EPA performed numerous Clean Air Act inspections (November 30, 2015, December 9, 2015 and February 4, 2016) of the Gary Sanitary Landfill owned and operated by the city of Gary and sent two information requests to the city (December 18, 2015 and July 20, 2016).
- A performed numerous Clean Air Act inspections (November 30, 2015, December 9, 2015 and February 4, 2016) of the Gary Sanitary Landfill owned and operated by the city of Gary and sent two information requests to the city (December 18, 2015 and July 20, 2016).
- A multi-media team at EPA is investigating other effects that the landfill has on the nearby community and has accompanied air enforcement on multiple inspections including assisting and leading in information gathering and data analysis.
- EPA Air Enforcement issued a Notice and Finding of Violation on March 9, 2016, alleging violations of the Indiana State Plan for Municipal Solid Waste Landfills, the National Emission Standards for Hazardous Air Pollutants for MSW Landfills (Landfill NESHAP), and Gary’s Title V Air Permit at the Landfill and sent a Referral to the Department of Justice.

Background/Status: Alleged Clean Air Act violations at the Landfill include failure to install and operate the required landfill gas collection and control system, failure to operate the current GCCS, failure to demonstrate compliance with surface methane emissions, failure to monitor proper flare operation, and failure to demonstrate compliance with wellhead standards. EPA met with Gary to discuss the violations and is currently assessing next steps for further enforcement. In the interim, Gary is performing corrective actions to assist in operating the current GCCS so as to minimize fugitive emissions from the Landfill.

RCRA Corrective Action USS – Gary Works

Message:

- US Steel is implementing several interim remedial measures to address impacts to Lake Michigan from legacy contamination.
- Remedial measures include dredging sediments from the Grand Calumet River, removing drums from the Western Lagoon, and extracting contaminated groundwater.
- USS is investigating portions of the Buffer Zone that separates facility operations from the Indiana Dunes National Lakeshore. The Buffer Zone could be transferred to the Indiana Dunes National Lakeshore, if in an acceptable condition for the National Park Service.

Background/Status: The USS facility is implementing a corrective action program pursuant to a RCRA Consent Order. Over 100 years of operation of the steel making facility resulted in extensive legacy contamination. USS is investigating soil, groundwater, and sediment to define the extent of contamination and is taking interim remedial actions to mitigate risk to people and the environment.

Brownfields and Federal Partnerships – Gary

Messages:

- EPA and HUD-led Federal Partnerships worked with Mayor Freeman-Wilson and her management team to bring in over \$34.5 million in investment over the last four years.
- EPA and HUD coordinated with over 15 other federal agencies, the state of Indiana, city and regional leadership, foundations, nonprofits and the private sector

Background/Status: Gary faces widespread abandonment and blight, coupled with major loss of jobs, population and tax base. Strategic federal technical assistance helped Gary to articulate its revitalization goals in the form of clear plans. These plans were then used to structure investment from other federal agencies, the state of Indiana, and foundations. Investments include brownfields site investigations, road improvements to allow for development around train stops, engineering of rail improvements, job and entrepreneurship training, demolition of derelict homes and buildings, and green infrastructure reuse of formerly abandoned properties. These projects have set the stage for further reinvestment.

Gary, Indiana - Green Infrastructure

Message:

- In 2014, the Great Lakes Restoration Initiative Shoreline Cities Initiative awarded the city of Gary \$250,00 to install green infrastructure in the City Centre Plaza that formerly housed the

Gary Sheraton directly across from City Hall. Cleveland Botanical Garden and National Fish & Wildlife Foundation's Chi-Cal River Fund Project contributed nearly \$260,000 to the project.

- Green infrastructure has been constructed in the Aetna, Emerson, Miller and Horace Mann neighborhoods. The city continues to train local residents to install and maintain bioswales, rain gardens and permeable pavement around schools, parks, streets and parking lots to capture and filter stormwater before it drains into the city's sewer system or runs off into Lake Michigan.
- EPA has partnered with USGS to measure the actual stormwater reductions at the City Centre Plaza site.

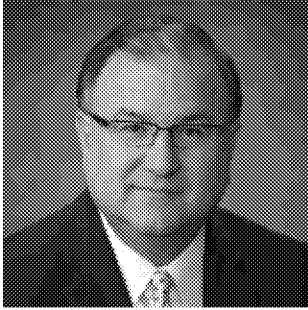
Background/Status: In 2014, the dilapidated, 14-story building that once housed a 300-room Sheraton Hotel was taken down after years of decay. The rain gardens along with the planting of trees and modifications of the parking lot will reduce the amount of stormwater entering the city's combined sewer system, according to Brenda Scott-Henry, director of Gary's Green Urbanism and Environmental Affairs Department. In addition to the water quality improvements, the project plays an important role in Gary's revitalization efforts.

Removal of PCB Fluorescent Light Ballasts (FLBs) from Three Public Schools

Message:

- PCB FLBs removed from three Gary public schools and replaced with new, energy-efficient lighting as part of EPA settlement with Heritage-Crystal Clean.
- 2,850 light fixtures containing PCB FLBs removed
 - 59,639 (29.8 tons) pounds of metal (scrap/non contaminated fixtures/non PCB ballasts) was recycled
 - 6,925 pounds of PCB waste was shipped for disposal
- 3022 fluorescent light bulbs containing mercury were recycled

Background/Status: Last year, EPA filed an administrative penalty settlement that resolved alleged violations of the Toxic Substances Control Act against Heritage-Crystal Clean. Heritage-Crystal Clean allegedly violated TSCA regulations regarding its shipment, storage and disposal of used oil contaminated with polychlorinated biphenyls at its Indianapolis facility. Under the settlement, Heritage-Crystal Clean agreed to pay a \$100,000 penalty and to fund a supplemental environmental project valued at \$400,000 to remove and properly dispose of fluorescent light ballasts that may contain PCBs at selected public schools in Gary. In addition to removing PCB FLBs from the environment, the SEP included recycling mercury containing bulbs and installation of new, energy efficient light fixtures that are estimated to reduce energy consumption by 41%.



Mayor Salvatore (Sal) Panto, Jr. (Easton, PA)

Chair, Energy, Environment and Natural Resources Committee (EENR)

-unable to attend Meet & Greet-

Unopposed in the 2015 election, Mayor Panto began his third consecutive term in January 2016. He is recognized as a highly effective local government leader and is credited with making Easton a cleaner and safer city.

Mayor Panto and his team are credited with bringing fiscal stability to the city. When he took office in 2008 the city was on the verge of filing for Act 47, the equivalent of bankruptcy with state oversight. At a time when the nation was experiencing the worst recession since the Great Depression, Mayor Panto and his team have had eight straight years with no increase in real estate taxes and have had a year-end surplus all eight years. His financial management has earned the city an increase in its Standard and Poor's rating from a BBB in 2008 when he took office to an A- in 2011 and in 2014 the city's bond rating increased to an A+, one of only a few in the entire State of Pennsylvania. Mayor Panto is also leading an economic development program that is experiencing more than \$500 million in public and private investment and the creation of hundreds of new jobs in the city. For the first time in decades the city's population is growing.

He was elected to the position of President of the Pennsylvania Municipal League (PML) where he still serves as a Past President on the Board of Directors where he was recently elected Second Vice-President. He is an active member of the United States Conference of Mayors and the National League of Cities where he serves on the national Board of Directors and serves as Chairman of the Energy, Environment and Natural Resources Committee.

Mayor Panto earned his Master's Degree from Lehigh University and his Bachelor's Degree from Kutztown University. In May 2011 he was awarded an Honorary Doctorate Degree in Public Service from Lafayette College.



Deputy Mayor Cynthia Pratt (Lacey, WA)
Vice Chair, EENR

Terms: As Deputy Mayor: 2016-2017; 2014-2015; **As Councilmember:** Position #4 - First Term: 2010-2013; Second Term: 2014-2017

Council Committees: Finance & Economic Development; General Government & Public Safety; Land Use

Intergovernmental Boards, Commissions, Agencies: LOTT Board of Directors; Olympic Region Clean Air Agency (ORCAA); Thurston Thrives

Occupation: Retired Environmental Planner, State Department of Natural Resources

Areas of Special Interest: Planned growth; transportation; safe and sustainable communities

Profile: Lacey, Washington

No Hot Issues

Lacey is a small city in Thurston County, just south of Seattle, and located near the State Capitol of Olympia. The city was established as a suburb of Olympia. The population, as of the 2010 census, was 42,393, out of a county population of 252,264.

Lacey was the twelfth city to be designated an official "Green Power Community" by the [[HYPERLINK "https://en.wikipedia.org/wiki/United_States_Environmental_Protection_Agency"](https://en.wikipedia.org/wiki/United_States_Environmental_Protection_Agency)] for its use of [[HYPERLINK "https://en.wikipedia.org/wiki/Renewable_energy"](https://en.wikipedia.org/wiki/Renewable_energy)] sources; 5% of its total energy use comes from green power sources. It is working to meet its [[HYPERLINK "https://en.wikipedia.org/wiki/Alternative_Energy"](https://en.wikipedia.org/wiki/Alternative_Energy)] Initiative, which includes "using 100 percent green electrical energy in all of its municipal buildings, parks, utilities, and 3,000 streetlights and traffic signals; providing electric vehicle [[HYPERLINK "https://en.wikipedia.org/wiki/Charging_station"](https://en.wikipedia.org/wiki/Charging_station)] to visitors and employees at its city hall and library campus; and initiating conversion of its municipal fleet to energy efficient vehicles powered by electricity, hybrid technology, and 80/20 biofuel." In 2009, Lacey's Alternative Energy Fair was honored with the Award of Excellence for Events, Fairs, and Festivals by the Washington Recreation and Park Association. Lacey has received the "Tree City, USA" designation from the [

HYPERLINK "https://en.wikipedia.org/wiki/National_Arbor_Day_Foundation" \o "National Arbor Day Foundation"] for the past eighteen years



Councilmember Hattie Portis-Jones, MPA (Fairburn, GA)

The Honorable Hattie Portis-Jones was elected in November 2013 to a four -year term and inaugurated January 2014. In January 2017, Councilmember Portis-Jones was appointed and unanimously elected Mayor Pro-Tem. Fairburn is located in Fulton County, and has a population of 12,950 (2010 census).

As a member of the City's six- member Legislative Branch Portis-Jones develops policy, enact laws for the well-being of it's over 14,000 citizens and ensures the proper stewardship of its resources. Major accomplishments include: Duncan Park Football and Water Park complex; Downtown Amphitheatre; Farmers Market; Award-winning "Let's Move City" to combat childhood obesity; Employee Wellness Program; City of Fairburn Re-branding; major economic development projects creating hundreds of jobs; an 88 unit active Senior Living Facility; Improved Bond Rating to double A minus (AA-) from Triple B (BBB). Mayor Pro Tem Portis-Jones is a Vice-Chair of the National League of Cities-Energy Environmental and Natural Resources Policy Committee, member of NLC's Constituency Group of Black Elected Officials; National League of Cities University Fellow; Georgia Municipal Association-Federal Policy Committee; and Treasurer, Georgia Municipal Black Caucus.

Mayor Pro Tem Portis-Jones is a veteran public servant who is semi-retired with 25 years of municipal government and non-profit experiences. Over her career, she worked for several large municipalities and non-profit organizations in executive positions of administration, finance, public works and health. She has a Masters Degree in Public Administration from City University of New York-Baruch College, and a Bachelor of Science in Business Administration from Marquette University, Milwaukee, Wisconsin. Mayor Pro-Tem Portis-Jones has achieved the Certificate of Excellence from the Georgia Municipal Association.

Mayor Pro Tem Portis-Jones is a 20-year resident of Fairburn and a member of Fairburn's St. John African Methodist Episcopal Church. The Honorable Portis-Jones is married to Robert H. Jones and share three children and two grandchildren.

No Hot Issues

[PAGE]

Message

From: Hannon, Arnita [Hannon.Arnita@epa.gov]
Sent: 3/12/2017 2:35:41 AM
To: Millan Hupp [millan.hupp@gmail.com]
CC: Konkus, John [konkus.john@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Bowles, Jack [Bowles.Jack@epa.gov]; Bangerter, Layne [bangerter.layne@epa.gov]
Subject: Fwd: Slight Change To Reflect Freeman-Wilson Out and Mayor Thurmond In
Attachments: BriefingforAdministratorNLCSpringMtg2017.docx; ATT00001.htm

Fyi-Briefing materials in Administrator's notebook.

Sent from my iPhone

Begin forwarded message:

From: "Hannon, Arnita" <Hannon.Arnita@epa.gov>
Date: March 9, 2017 at 3:46:30 PM EST
To: "Cheatham-Strickland, Latonia" <Cheatham-Strickland.Latonia@epa.gov>
Cc: "Scales, Wuanisha" <Scales.Wuanisha@epa.gov>, "Bowles, Jack" <Bowles.Jack@epa.gov>
Subject: Slight Change To Reflect Freeman-Wilson Out and Mayor Thurmond In

PLEASE replace the notebook entries with this new doc. We had to insert a bio for Mayor Thurmond who will replace Mayor Freeman-Wilson in the Meet and Greet. Mayor Freeman-Wilson's bio and Hot Issues were left in because she is 2nd VP of NLC plus a member of EPA's LGAC so she needs to be noted.

Thanks and so sorry about this last minute change!

Arnita

M. Arnita Hannon
Intergovernmental Liaison
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US EPA
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BRIEFING MEMO FOR ADMINISTRATOR PRUITT

U.S. ENVIRONMENTAL PROTECTION AGENCY
Washington D.C.

March 9, 2017

**NATIONAL LEAGUE OF CITIES
2017 Congressional City Conference
LEADERSHIP MEET & GREET; CLOSING LUNCHEON PLENARY REMARKS**

DATE: Tuesday, March 14, 2017
LOCATION: Marriott Wardman Park Hotel, Washington, DC
MEETING TIME: 12:30 pm – 2:15 PM
YOUR TIME: **12:30 pm – 1:05 pm**
FROM: Layne Bangerter, DAA for Intergovernmental Relations

I. PURPOSE

YOU will attend a Meet and Greet with NLC leadership from 12:30 PM – 12:45 PM before remarks during the Closing Luncheon Plenary. During the Meet and Greet, NLC leadership will share perspectives on issues of concern to cities and towns. **YOU** will engage in dialogue about how EPA can continue to partner with NLC in addressing these issues. NLC President Mayor Matt Zone (Cleveland, OH), will facilitate the discussion. **[Closed Press]**

Following the Meet and Greet **YOU** will proceed to the Marriott Ballroom to deliver brief Remarks, from 12:50 PM – 1:05 PM, on EPA's Priorities Under the Trump Administration. NLC President Councilman Zone will introduce **YOU**, and thank **YOU** for your remarks. **YOU** will depart the stage, and the hotel. **[Open Press]**

NLC's Congressional City Conference is the association's annual legislative meeting, which focuses on educating its members about federal issues affecting cities and towns and launching NLC's lobbying effort around specific federal priorities. Approximately 2,000 delegates are expected to attend, and most of these will comprise the audience for the Closing Luncheon Plenary. The majority of the people in the audience will be elected officials (about one-third mayors and two-thirds council members). While most of the large cities will be represented, about 75% of the audience will include representatives of cities and towns with populations under 60,000. Throughout the conference, EPA staff will appear in various workshops and sessions to highlight a number of EPA's priority programs and initiatives, including: Brownfields; Integrated Stormwater Management Planning/Affordability; and the National Drinking Water Action Plan. Office of Air and Radiation staff will join a panel on Sunday, March 12, to discuss the Volkswagen Settlement, and resources for local communities, during the Energy, Environment and Natural Resources Committee meeting.

NLC is a national bi-partisan group of city officials and represents more than 218 Americans in partnership with 49 state municipal leagues, over 1,600 member cities, and more than 19,000 cities, towns and villages. The organization and its members are ardent and consistent supporters of EPA's programs to support local communities.

II. PARTICIPANTS

Leadership Meet and Greet: President Councilman Matt Zone (Cleveland, OH); 1st Vice President Mayor Mark Stodola (Little Rock, AR; member, EPA's Local Government Advisory Committee); Mayor Craig Thurmond (Broken Arrow, OK; member, NLC Board of Directors); Mayor Salvatore Panto, Jr. (Easton, PA), Chair, Energy, Environment and Natural Resources Committee (EENR); Deputy Mayor Cynthia Pratt (Lacey, WA), Vice Chair; Councilmember Hattie Portis-Jones (Fairburn, GA), Vice Chair.

III. AGENDA (12:30 pm – 12:45 pm) (Closed Press)

- **YOU** will be introduced by Councilman Matt Zone (Cleveland, OH), NLC President
- **YOU** will hear briefly from individual leadership members on cities' and towns' perspectives.
- **YOU** will engage in dialogue, facilitated by Councilman Zone, and depart for your Closing Luncheon Plenary Remarks at the conclusion of the Meet & Greet.

IV. PARTICIPANTS

Closing Luncheon Plenary: Local elected and non-elected officials representing cities, towns and municipal governments of all sizes and populations from across the United States.

III. AGENDA (12:50 pm – 1:05 pm) (Open Press)

- **YOU** will be introduced by Council Member Matt Zone (Cleveland, OH), NLC President.
- **YOU** will deliver brief Remarks (10 minutes): EPA's Priorities
- Following your remarks, **YOU** will be thanked by President Zone and will depart the luncheon and the hotel.

Staff

- **YOU**
- Layne Bangerter, OCIR
- M. Arnita Hannon Christmon, OCIR

IV. TALKING POINTS (Will be provided separately)

V. ATTACHMENTS

-NLC National Issues
-NLC/EENR Leadership Bios; Hot Issues

National League of Cities – National Issues

Climate Change

NLC believes that the nation's local elected officials recognize that climate change is a leading environmental threat facing cities, which must be addressed comprehensively. Across the country, local governments are seeing the devastating effects associated with a changing climate; and recent extreme weather events such as heat waves, droughts, heavy downpours and floods, which are becoming more common in communities, have brought a renewed attention to the need for cities to anticipate, prepare for, and adapt to these events.

As first responders, cities are on the front lines when it comes to bearing the impacts and the costs of these events. Cities are taking action to reduce their greenhouse gas emissions; adapt to a changing environment; and create community resilience that will help save lives, strengthen local economies, save taxpayer dollars, and build preparedness for future events. Local governments seek a strong federal partner to support these efforts.

Climate Change Impact on Water Infrastructure

NLC urges Federal Agencies to support communities as they continue on the front lines in mitigating and adapting to the impacts of climate change and building strong, resilient communities. As communities address climate challenges, upgrading the water infrastructure must be a priority.

NLC believes that one of the key ways the climate impact challenges manifests itself locally is in the need for local governments to upgrade their water infrastructure, while complying with new federal requirements and ensuring that their systems and communities are prepared for the impact of climate change, including impacts on water quality and quantity.

Water Infrastructure Investment; SRFs and WIFIA

NLC strongly supports the Clean and Drinking Water State Revolving Loan Funds, and the Water Infrastructure Finance & Innovation Act (WIFIA), which help cities make needed investments in drinking water and wastewater infrastructure.

Integrated Stormwater Management Planning/Affordability

NLC supports Integrated Planning which allows local governments to address their most pressing water infrastructure needs as they prioritize innovative and affordable approaches to meeting Clean Water Act requirements. NLC has joined the US Conference of Mayors (USCM) and the National Association of Counties (NACo), in urging EPA to be more aware of the financial capability of citizens who cannot afford soaring water and wastewater costs. These three Associations are part of the continuing dialogue with EPA on Clean Water Act requirements, eliminating the use of 2% Medium Household Income (MHI) as a measurement for what a city/town can afford when addressing water infrastructure, and allowing increased flexibility under the terms of Consent Decrees. Integrated Planning, incentivizing the use of Green Infrastructure, and reducing unfunded mandates are all ways that NLC believes can be more cost effective and beneficial to the communities it represents.

Brownfields

NLC continues to fully support the Brownfields program and views the program as a key tool in the redevelopment efforts of communities. NLC has urged a number of reforms for inclusion in any Brownfields Reauthorization legislation: increase the overall funding authorization level; increase the cap on the assessment grant amounts, whether site specific or community wide; increase the technical assistance offered to communities; authorize funding for multipurpose grants to provide greater financing certainty for large, complex projects; and allow eligible entities to use a portion of their grant funding for administrative costs. In addition, NLC views liability concerns as one of the Program's greatest challenges, and has urged Congress to clarify and expand liability protections for public entities that acquire contaminated brownfields sites where the public entity had no involvement in the contamination.



Councilmember Matt Zone (Cleveland, OH)

President

Councilman Matt Zone grew up in the Detroit Shoreway neighborhood on Cleveland's near west side and was elected to office in November of 2001. Councilman Zone chairs Cleveland City Council's Safety Committee and is a member of the Development, Planning and Sustainability; Workforce Community Benefits; Finance and Operations Committees. Councilman Zone also serves as Council's representative on the City of Cleveland's Public Art Committee.

Councilman Zone is recognized nationally, regionally and locally as a leader on environmental and arts & cultural issues. Currently, he serves as the Second Vice-President of the National League of Cities, the nation's oldest and largest organization representing 19,000 cities, towns and villages, serving more than 218 million Americans. Regionally, Councilman Zone is a past President of the Northeast Ohio City Council Association (NOCCA) and one of the original members of the Great Lakes Energy Development Task Force, which is working to create off-shore wind generation in Lake Erie. He also serves on the steering committee of the Regional Prosperity Initiative (RPI) which is working to create a "Smart Growth" plan and "Revenue Sharing" for Northeast Ohio. Locally, Councilman Zone continues to be a tireless advocate for alternative energy and green building, by evidence of the fact that his ward is home to the only EcoVillage in our state and one of the first in the country. The EcoVillage is complete with a LEED built school, theatre and certified Regional Transit Authority (RTA) rapid station, highly energy efficient homes that heat & cool for less than \$500 annually and has a model storm water demonstration project on a 25-acre city recreational facility.

Councilman Zone is a graduate of Cleveland State University's College of Urban Affairs and graduate of St. Edward High School. He and his wife Michelle have a son who is a recent graduate of Kent State University.

Hot Issues

Cuyahoga River Dredging

Message:

- U.S. EPA is not involved in the bitter dispute between the state of Ohio, Cleveland and the Army Corps over dredging in the Cuyahoga River. EPA told all the parties several years ago the Agency would not intervene and suggested they mediate their differences.

Background/Status: The acrimonious dispute between the state of Ohio, Cleveland and the Army Corps of Engineers continues in federal court where it awaits the latest ruling from a judge. EPA refused to intervene in the dispute several years ago and instead urged all the parties to negotiate an end to the issue. That didn't happen. Ohio and Cleveland say the river sediment is polluted and don't want it dumped into Lake Erie. The Corps says the sediment is fine and it will be much cheaper to use Lake Erie instead of a confined disposal facility. A federal judge will decide the dispute.

Ohio Impaired Waters Listing and Lake Erie

Message:

- EPA is working to finalize its decision on Ohio's 2016 impaired waters list (Clean Water Act 303(d) list)

Background/Status: Lake Erie has experienced serious algal blooms for a number of years. Michigan listed its portion of Lake Erie as impaired on its 2016 impaired waters list (303(d) list). Ohio listed the shoreline areas of Lake Erie as impaired on 2016 list but did not list the open waters as impaired. EPA has not acted on the impaired waters list, and has received two notices of intent to sue the agency for failure to do so. EPA is continuing to discuss this matter with Ohio EPA.

Advanced Medical Systems (AMS)

Message:

- EPA is coordinating with the Ohio Department of Health (ODH) to compel the site owner to take further actions to secure the site and prevent off-site contamination

Background/Status: AMS operated a facility that created sealed radiological sources to be used in medical equipment. The facility shut down operations in 1994 and began decommissioning the facility in 2003 under ODH oversight. AMS ceased decommissioning efforts and ODH requested EPA assistance in 2015 with a site assessment. In 2016, ODH requested EPA assistance in response to a break-in and vandalism at the site. EPA efforts focused on securing the site against vandalism and reconnecting electricity to prevent site water contaminated with Cobalt-60 from leaving the site. EPA continues to coordinate with ODH in order to compel AMS to further secure the site.

Tremont Fields Site

Message:

- U.S. EPA anticipates beginning the removal action this summer.
- We are working closely with Cleveland and Cuyahoga County to coordinate schedule and develop construction and grading plans

Background/Status: In February 2016, U.S. EPA received a request for assistance in addressing elevated levels of polycyclic aromatic hydrocarbons (PAHs) and lead in surface soils at the Tremont Field Park Site in Cleveland, Ohio. An assessment of the park was conducted by the city prior to planned improvements in conjunction with a large Cuyahoga County project extending a local Towpath through the park to connect near Lake Erie. The source of the contamination is unknown. The city has ceased organized activities at the park. Upon review of submitted data and a search for responsible

parties, EPA prepared an Action Memorandum requesting funding for a Time-Critical Removal Action that was signed last August.

The removal action will largely consist of placing a 2-foot soil barrier over the contaminated areas to allow for park renovations and the Towpath construction. U.S. EPA has been working with the city to develop grading plans, scheduling of work and coordination with county work on the towpath and an approach to phase the project over multiple years if needed. EPA anticipates beginning work this summer. There has been some media interest with particular attention on length of the removal action and potential completion not until 2018.

Opportunity Corridor Project

Message:

- U.S. EPA is not directly involved in this controversial project although the Agency awarded over \$800,000 in planning and brownfields grants several years ago. The Opportunity Corridor Project is at a standstill pending resolution of a bitter city/state dispute.

Background/Status: Although U.S. EPA is not directly involved, the Opportunity Corridor Project is on hold pending resolution of an acrimonious dispute between Cleveland and the state. The city is upset that Ohio passed a law prohibiting municipalities to require local hiring quotas on publically funded projects. The city contends the law undermines Home Rule. However, in January a Cuyahoga County judge ruled the state overstepped its constitutional authority when it sought to thwart Cleveland's requirement that city residents get to work on public projects and permanently blocked the state law. This dispute is at the core of the city's withholding of \$3.1 million for the completion of Phase II and III of the Opportunity Corridor Project. Cleveland is also refusing to issue permits for the project. U.S.EPA supported the project with a \$175,000 Area Wide Planning grant in 2010. We also supported the project by providing funding to assist the city as they assemble property along the corridor for redevelopment. This assistance came in the form of a \$600,000 Brownfields Coalition Assessment grant to Cuyahoga County Department of Development (a portion of which was set aside for Opportunity Corridor), and \$140,000 in Targeted Brownfields Assessment Funds.

Modification to Northeast Ohio Regional Sewer District Combined Sewer Overflow Consent Decree

Message:

- EPA is committed to working with NEORSD on the consent decree implementation to protect Lake Erie and area tributaries.

Background/Status: In 2011, a federal consent decree (CD) was entered that resolved more than seven years of Clean Water Act violations by the Northeast Ohio Regional Sewer District (NEORSD), which serves the city of Cleveland and 61 adjoining communities. The settlement included substantial gray infrastructure and green infrastructure control measures to control

approximately 4 billion gallons of combined sewer overflow (CSO) discharges in a typical year. In December 2016, EPA approved NEORSD's requested changes to five CSO control measures and successfully negotiated new language reflecting those changes that Department of Justice will process as a minor modification to the CD.

BASF Site

Message:

- EPA is overseeing the investigation and cleanup of hazardous waste contamination at the BASF Site.
- As part of its oversight, EPA's Corrective Action Program hosts a multi-agency stakeholders group that includes the city of Cleveland, the state of Ohio and the U.S. Army Corps of Engineers. The group shares information on site issues including the status of investigations and cleanups

Background/Status: The BASF Cleveland site, located at 1000 Harvard Ave. is four miles south of downtown Cleveland. The site is situated on the western shore of the Cuyahoga River, within the Cuyahoga River Great Lakes Area of Concern. BASF is under a RCRA Unilateral Administrative Order that requires the investigation and remediation of hazardous waste contamination found at its Cleveland property. BASF completed a Phase One remedial investigation under RCRA Corrective Action Program oversight in 2016. This year, BASF continues to investigate soil, groundwater, and river contamination to prepare for future remediation.

EPA is continuing its Clean Water Act enforcement action against BASF for discharging from outfalls without a permit. Sampling revealed low levels of contamination in discharged water released to the Cuyahoga River (concentrations were within acceptable CWA and DOD/NRC limits). The site is also under investigation and remediation jurisdiction of the USACE under the Formerly Utilized Sites Remedial Action Program ("Harshaw Site"). The USACE is responsible for investigating and remediating radiological contamination including soil and groundwater. However, remediation of the radionuclide contamination at the property is currently unfunded.

Cleveland Off-shore Wind Energy Pilot Project

Message:

- EPA provided scoping comments to the U.S. Department of Energy in October 2016 for DOE's planned environmental assessment.
- When the environmental assessment is issued for public comment, EPA will review and comment on it.
- EPA signed the Great Lakes off-shore wind Memo of Understanding in 2012 and will work with other federal and state agencies to develop a streamlined, integrated permitting process.

Background/Status: A pilot offshore wind project is being planned 8 miles off downtown Cleveland in Lake Erie, but the project faces financial uncertainty. The 6-turbine "Icebreaker" project would generate 21 megawatts of electricity (the amount of power for 5,700 typical American homes). Municipally-owned Cleveland Public Power has committed to purchase up to 20 percent of the electricity from the project. Lake Erie Energy Development Corporation (LEEDCo), comprised of county governments

from Cuyahoga, Lorain, Lake and Ashtabula Counties, Ohio, and Erie County, Pennsylvania, the City of Cleveland, NorTech, and the Cleveland Foundation, is the developer. DOE is considering whether to provide \$46 million or more in construction funding for this \$100 million project and is preparing an Environmental Assessment (expected spring 2017) to inform that decision. DOE has given over \$6 million in past planning, engineering, and design grants to this project.

Issue: Cleveland Off-shore Wind Energy Pilot Project

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Issue: Arco Noble Road Recycling Facility, East Cleveland, Ohio

Message

- U.S. EPA is supporting Ohio EPA's lead in addressing citizen complaints.

Background/Status: Often called the Noble Road Landfill, this recycling center near the Cleveland town line has been accepting construction and demolition debris. Although it intended to recycle the material, Arco has been primarily stockpiling it. It is currently about one football field in size, four stories tall in places. Ohio EPA has taken the lead to resolve citizen complaints of dust, vectors (e.g. rats), and even fire at the site. Ohio EPA Division of Materials and Waste Management recently issued orders that require Arco to stop receiving material and to remove the existing material from the site. The material has not been removed to-date.

Region 5 Tentative Decision to Grant Authority to Seek Increase in Amount of Ammonia Discharges to Cuyahoga River Under NPDES Permit

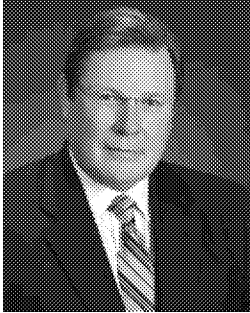
Message:

- The Region 5 RA issued a Tentative Decision in November 2015 that would - under CWA 301(g) - authorize ArcelorMittal Cleveland to seek an increase from Ohio EPA in the amount of

ammonia ArcelorMittal Cleveland is authorized to discharge to the Cuyahoga River under its NPDES permit.

- Ohio EPA plans to publish both Region 5's Tentative Decision under CWA 301(g) and a draft revised NPDES permit that incorporates increased ammonia discharges for public comment in the very near future.

Background/Status: The practical impact of this decision if incorporated into a final NPDES permit would allow an increase in discharges of ammonia by ArcelorMittal to the Cuyahoga and ultimately to Lake Erie. Region 5 believes that such an increase would not cause any impairments or adversely affect ambient water quality and would not adversely affect the size or frequency of algal blooms. Region 5 will make a final decision about whether to authorize the increase in ArcelorMittal's discharges following the close of the public comment period.



Mayor Mark Stodola, (Little Rock AR)

1st Vice President

**Member: EPA's Local Government Advisory Committee*

Mark Stodola was elected as Mayor for the City of Little Rock, beginning his term in January 2007 and re-elected to a 2nd term beginning in 2011, capturing 84% of the vote. As Mayor, he has helped prioritize public safety as the City's first and foremost obligation, resulting in substantial decreases in violent crime and property crime. Since Mayor Stodola took office, the City's homicide rate has fallen more than 50% with the violent crime rate falling 34%.

The Mayor has partnered with the State Arkansas Economic Development Commission and the Chamber of Commerce to bring over \$1 billion in new capital investment to the City and more than 4,100 new jobs since taking office. In 2009, he crafted a major bond initiative that resulted in \$6.9 million dollars in improvements to the City's park system. In addition, in 2011, he led a successful campaign to increase the City's sales tax garnering an 8% point win in the midst of the greatest economic upheaval since the Great Depression.

Mayor Stodola has been key in promoting the revitalization of Little Rock's Main Street, resulting in the City having been awarded a "Greening of America's Capitals Grant" from the Environmental Protection Agency and an "Our Town Grant" from the national Endowment for the Arts for the creation of an Arts District in the heart of the downtown core.

Hot Issues

Little Rock Greening America's Capital

Amount Invested: \$3,000,000 (CWA Section 319(h) Funds and Brownfields Cleanup Grants and Loans

Message:

- The City of Little Rock and its leadership should be proud of what has been accomplished with Greening America's Capital technical assistance planning grant which ultimately lead to the Main Street Corridor revitalization.
- The City has taken the lead in Region 6 with the project, an effective demonstration of Green Infrastructure in an existing urban space.

- In 2012, we awarded the Arkansas Natural Resources Commission and the City of Little Rock \$900,000 in Clean Water Act Section 319 funds.
- The City utilized the funds to install several water quality mechanisms including rain gardens, curb extensions, pervious paving, infiltration trenches, bio-swales and tree meanders along the corridor.
- These Best Management Practices are being used to both improve water quality and provide valuable education in urban environments where folks generally aren't exposed to water quality restoration.
- Region 6 is pleased to have played a role in this great project and want to see other cities in Region 6 implement similar approaches to revitalize urban areas!

Background/Status: Greening America's Capitals in Arkansas- The FY 2016 Little Rock, Arkansas, Greening America's Capitals/Clean Water Act (CWA) Section 319 project on Main Street is progressing and on schedule. EPA Region 6 awarded the Arkansas Natural Resources Commission \$536,500 in CWA Section 319 funds to continue work begun in FY 2012 (\$900,000 in CWA Section 319 funds) to renovate Main Street using nonpoint source pollution prevention Best Management Practices. The engineering firm has been secured. Some conceptual drawings of the proposed BMP (bio-swales, vegetative wall, rain gardens) have been done and presented but not finalized. A public meeting held to discuss the project went well and had a positive response from attendees. EPA's assistance in cleaning up brownfields and helping the city plan for green infrastructure helped spur other public investments, such as a \$150,000 grant from the National Endowment of the Arts for a "creative arts corridor," and almost \$80 million in private investment in renovations to buildings along Main Street that stood vacant or underused for many years.

Buffalo River Watershed Based Plan Development

Amount Invested: \$107,189 (Clean Air Act Multipurpose Funds)

Message:

- EPA awarded the grant to ADEQ to commence the development of the Watershed Management Plan for the Buffalo River Watershed.
- The plan will assess all sources of bacteria in the watershed and look at strategies to reduce loads.
- ANRC is taking the lead in developing the plan.
- ADEQ anticipates that the plan will be completed by FY 2018.

Background/Status: EPA awarded ADEQ a Multipurpose grant (\$107,189) to fund the development of a Watershed Management Plan for the Buffalo River. ADEQ has partnered with Arkansas Natural Resources Commission to develop the plan. The first stakeholder meeting was held in Marshall, Arkansas, on December 8, 2016, with 130 in attendance and was very productive. Following an information session regarding the development process and the 9 key elements, the group separated into two groups and discussed general issues. The second meeting is scheduled for March 30, 2017, in Jasper, Arkansas.

Issue: Water Grants Update

Message:

- In FY 2016, EPA awarded ADEQ
 - \$ 2,236,000 in Clean Water Act Section 106 Funds for water quality monitoring and assessment,
 - \$ 3,057,000 in Clean Water Act Section 319(h) Funds for non-point source implementation projects, and
 - \$107,189 in Clean Air Act Multipurpose Funds specifically for the Buffalo River
- EPA is currently under a continuing resolution through April 28, 2017.
- No final grant awards amounts can be determined until EPA receives another continuing resolution, or a final budget.
- EPA is continuing to move ahead an award funds to state and tribes.

Mark Stodola Praises Partnership with EPA Region 6 Brownfields Program

Message:

- Little Rock Mayor Mark Stodola continues to praise the EPA Region 6 Brownfields Program for their partnership in successful revitalization efforts in downtown Little Rock and in particular the Creative Corridor.
- The City of Little Rock is formally partnered with the City of North Little Rock and Pulaski County through an EPA Brownfields Revolving Loan Fund grant.
- Pulaski County/Little Rock received \$4 million in brownfield funds over the past 10 years. This resulted in over \$38 million dollars leveraged since the inception of the Pulaski County brownfields program.

Background/Status: Little Rock is the recipient of a Greening America's Capitals project focusing on incorporating green infrastructure in the downtown corridors. The city is a key partner with EPA's Brownfields Program, having received cleanup funding through the Brownfields Revolving Loan Fund (RLF) Grant to remediate several buildings on Main Street in downtown Little Rock. The Creative Corridor Project, Little Rock, Arkansas, is the transformation of four neglected blocks of Main Street in downtown Little Rock into an arts district, catalyzed from historic tax credits. The K-Street Lofts, Main Street Lofts and Capital Lofts along Main Street received clean up loans to abate asbestos and lead-based paint from Pulaski County's Brownfields RLF Program totaling \$1,585,000. The program created 40 permanent jobs on Main Street and serves as a catalyst for downtown revitalization and economic development.



Mayor Craig Thurmond (Broken Arrow, OK)

NLC Board of Directors

Mayor Craig Thurmond was first elected to City Council in 2001 and served as Vice Mayor from 2003-07 and again from 2010-12.

Mayor Thurmond is a Tulsa native that served in the U.S. Marine Corps during the Vietnam War. He moved to Broken Arrow in 1977. Broken Arrow has a population of 98,850 (2010 census), and is the fourth largest city in the state. Since moving to Broken Arrow, Mayor Thurmond has been, and currently serves on, many boards in the area including:

- The Tulsa County Conservation District Board of Directors since 1997
- City of Broken Arrow's representative on the Metropolitan Environmental Trust Board of Trustees
- Indian Nations Council of Government
- National League of Cities Community and Economic Development Steering Committee
- Helped form and sits on a National Committee on Regulatory Reform which focuses on reducing Federal Government regulations
- Many other non-profit boards

Mayor Thurmond has worked in the construction industry for over 30 years and owns a small business, Thurmond Consulting, located on Main Street in Broken Arrow. He was recently named 2016 "Elected Official of the Year" by the Broken Arrow Chamber of Commerce.



Mayor Karen Freeman-Wilson (Gary, IN)

2nd Vice President [MC for Luncheon; Cannot Attend Meet & Greet]

**Member: EPA's Local Government Advisory Committee*

In November 2011, the citizens of Gary, Indiana chose a new day for the city by electing Karen Freeman-Wilson, Mayor. On December 31, 2011, Freeman-Wilson became the first woman to lead the steel city and the first African-American female mayor in the State of Indiana.

Often comparing herself to “Dorothy from Oz,” Freeman-Wilson has been asked to render counsel on various matters throughout the United States and other parts of the world, but she often quips that “there is no place like home.” Along with her husband Carmen Wilson and their daughter Jordan, Freeman-Wilson resides in her native city of Gary, Indiana. She was valedictorian of her graduating class at Gary’s storied Roosevelt High School and went on to become an honors graduate of Harvard College and Harvard Law School.

Despite her breadth of travel and influence throughout the United States, Freeman-Wilson’s loyalty and commitment to her home city has never wavered. Indeed, her passion for Gary, coupled with her experience and training, have positioned her for leadership and prepared her to tackle the major challenges facing the city. She is the immediate past CEO of The National Association of Drug Court Professionals and Executive Director of The National Drug Court Institute based in Washington, D.C. With Freeman-Wilson at the helm, the number of drug courts in the U.S. doubled to 1700 and NADCP became the premier organizational advocate for drug treatment in the judicial arena. Freeman-Wilson has consulted with the Office of White House Drug Control Policy, the Department of Justice and the National Highway Traffic Safety Administration in the creation and implementation of drug policy. As the twice-elected Gary City Judge, she helped pioneer the drug court movement in Indiana.

Hot Issues

Proposed Clean Water Settlement

Messages:

- As a result of the proposed agreement, Gary will take important steps to improve water quality in local waterways by addressing illegal sewer overflows and remediating the PCB contaminated Ralston Street Lagoon.
- EPA is reviewing the public comment received and is committed to working with Gary on the successful implementation of a settlement.

Background/Status: On Dec. 12, 2016, a federal Consent Decree was lodged that resolves many years of Clean Water Act and Toxic Substances Control Act violations by the City of Gary, Indiana, and Gary Sanitary District. The settlement requires that GSD, over the next 25 years, develop and implement a plan to control the Combined Sewer Overflow discharges to the Grand Calumet and Little Calumet Rivers, continue to remediate the polychlorinated biphenyl contaminated Ralston Street Lagoon, pay a civil penalty of \$75,000 and spend \$175,000 on a Supplemental Environmental Project to remove invasive plant species from the Pine Station Nature Preserve “oxbow,” a 19-acre area on the bank of the Grand Calumet River. The Northwest Indiana Federation of Interfaith Organizations/Jobs Matter and the Hoosier Environmental Council submitted a comment, on the proposed CD concerning local hiring for jobs and additional opportunities for public input/community engagement. EPA and the state are reviewing the comment.

Summit Inc. Hazardous Waste Enforcement

Message:

- EPA is seeking to clean up lead and benzene contaminated soil located at Summit Inc. in Gary.
- EPA is pursuing escalated enforcement as a result of its cooperation with the Indiana Department of Environmental Management.

Background/Status: Summit operates a medium to large-sized scrap recycling facility with a shredder and twenty mobile crushers within an environmental justice area of Gary, Ind. Summit’s handling of solid and hazardous wastes resulted in the release of lead, benzene and other hazardous constituents to the soil in unsafe concentrations. Summit has failed to comply with numerous EPA and IDEM requests and orders for cleanup dating back to 2005. EPA referred Summit to the Department of Justice for enforcement action under the Resource Conservation and Recovery Act.

EPA Issued Clean Air Violation Notice to City

Message:

- EPA performed numerous Clean Air Act inspections (November 30, 2015, December 9, 2015 and February 4, 2016) of the Gary Sanitary Landfill owned and operated by the city of Gary and sent two information requests to the city (December 18, 2015 and July 20, 2016).
- A performed numerous Clean Air Act inspections (November 30, 2015, December 9, 2015 and February 4, 2016) of the Gary Sanitary Landfill owned and operated by the city of Gary and sent two information requests to the city (December 18, 2015 and July 20, 2016).
- A multi-media team at EPA is investigating other effects that the landfill has on the nearby community and has accompanied air enforcement on multiple inspections including assisting and leading in information gathering and data analysis.
- EPA Air Enforcement issued a Notice and Finding of Violation on March 9, 2016, alleging violations of the Indiana State Plan for Municipal Solid Waste Landfills, the National Emission Standards for Hazardous Air Pollutants for MSW Landfills (Landfill NESHAP), and Gary’s Title V Air Permit at the Landfill and sent a Referral to the Department of Justice.

Background/Status: Alleged Clean Air Act violations at the Landfill include failure to install and operate the required landfill gas collection and control system, failure to operate the current GCCS, failure to demonstrate compliance with surface methane emissions, failure to monitor proper flare operation, and failure to demonstrate compliance with wellhead standards. EPA met with Gary to discuss the violations and is currently assessing next steps for further enforcement. In the interim, Gary is performing corrective actions to assist in operating the current GCCS so as to minimize fugitive emissions from the Landfill.

RCRA Corrective Action USS – Gary Works

Message:

- US Steel is implementing several interim remedial measures to address impacts to Lake Michigan from legacy contamination.
- Remedial measures include dredging sediments from the Grand Calumet River, removing drums from the Western Lagoon, and extracting contaminated groundwater.
- USS is investigating portions of the Buffer Zone that separates facility operations from the Indiana Dunes National Lakeshore. The Buffer Zone could be transferred to the Indiana Dunes National Lakeshore, if in an acceptable condition for the National Park Service.

Background/Status: The USS facility is implementing a corrective action program pursuant to a RCRA Consent Order. Over 100 years of operation of the steel making facility resulted in extensive legacy contamination. USS is investigating soil, groundwater, and sediment to define the extent of contamination and is taking interim remedial actions to mitigate risk to people and the environment.

Brownfields and Federal Partnerships – Gary

Messages:

- EPA and HUD-led Federal Partnerships worked with Mayor Freeman-Wilson and her management team to bring in over \$34.5 million in investment over the last four years.
- EPA and HUD coordinated with over 15 other federal agencies, the state of Indiana, city and regional leadership, foundations, nonprofits and the private sector

Background/Status: Gary faces widespread abandonment and blight, coupled with major loss of jobs, population and tax base. Strategic federal technical assistance helped Gary to articulate its revitalization goals in the form of clear plans. These plans were then used to structure investment from other federal agencies, the state of Indiana, and foundations. Investments include brownfields site investigations, road improvements to allow for development around train stops, engineering of rail improvements, job and entrepreneurship training, demolition of derelict homes and buildings, and green infrastructure reuse of formerly abandoned properties. These projects have set the stage for further reinvestment.

Gary, Indiana - Green Infrastructure

Message:

- In 2014, the Great Lakes Restoration Initiative Shoreline Cities Initiative awarded the city of Gary \$250,00 to install green infrastructure in the City Centre Plaza that formerly housed the

Gary Sheraton directly across from City Hall. Cleveland Botanical Garden and National Fish & Wildlife Foundation's Chi-Cal River Fund Project contributed nearly \$260,000 to the project.

- Green infrastructure has been constructed in the Aetna, Emerson, Miller and Horace Mann neighborhoods. The city continues to train local residents to install and maintain bioswales, rain gardens and permeable pavement around schools, parks, streets and parking lots to capture and filter stormwater before it drains into the city's sewer system or runs off into Lake Michigan.
- EPA has partnered with USGS to measure the actual stormwater reductions at the City Centre Plaza site.

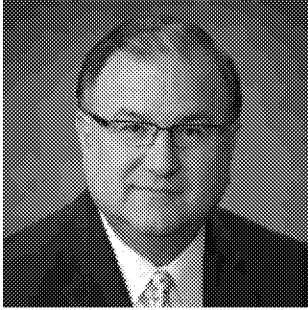
Background/Status: In 2014, the dilapidated, 14-story building that once housed a 300-room Sheraton Hotel was taken down after years of decay. The rain gardens along with the planting of trees and modifications of the parking lot will reduce the amount of stormwater entering the city's combined sewer system, according to Brenda Scott-Henry, director of Gary's Green Urbanism and Environmental Affairs Department. In addition to the water quality improvements, the project plays an important role in Gary's revitalization efforts.

Removal of PCB Fluorescent Light Ballasts (FLBs) from Three Public Schools

Message:

- PCB FLBs removed from three Gary public schools and replaced with new, energy-efficient lighting as part of EPA settlement with Heritage-Crystal Clean.
- 2,850 light fixtures containing PCB FLBs removed
 - 59,639 (29.8 tons) pounds of metal (scrap/non contaminated fixtures/non PCB ballasts) was recycled
 - 6,925 pounds of PCB waste was shipped for disposal
- 3022 fluorescent light bulbs containing mercury were recycled

Background/Status: Last year, EPA filed an administrative penalty settlement that resolved alleged violations of the Toxic Substances Control Act against Heritage-Crystal Clean. Heritage-Crystal Clean allegedly violated TSCA regulations regarding its shipment, storage and disposal of used oil contaminated with polychlorinated biphenyls at its Indianapolis facility. Under the settlement, Heritage-Crystal Clean agreed to pay a \$100,000 penalty and to fund a supplemental environmental project valued at \$400,000 to remove and properly dispose of fluorescent light ballasts that may contain PCBs at selected public schools in Gary. In addition to removing PCB FLBs from the environment, the SEP included recycling mercury containing bulbs and installation of new, energy efficient light fixtures that are estimated to reduce energy consumption by 41%.



Mayor Salvatore (Sal) Panto, Jr. (Easton, PA)
Chair, Energy, Environment and Natural Resources Committee (EENR)

Unopposed in the 2015 election, Mayor Panto began his third consecutive term in January 2016. He is recognized as a highly effective local government leader and is credited with making Easton a cleaner and safer city.

Mayor Panto and his team are credited with bringing fiscal stability to the city. When he took office in 2008 the city was on the verge of filing for Act 47, the equivalent of bankruptcy with state oversight. At a time when the nation was experiencing the worst recession since the Great Depression, Mayor Panto and his team have had eight straight years with no increase in real estate taxes and have had a year-end surplus all eight years. His financial management has earned the city an increase in its Standard and Poor's rating from a BBB in 2008 when he took office to an A- in 2011 and in 2014 the city's bond rating increased to an A+, one of only a few in the entire State of Pennsylvania. Mayor Panto is also leading an economic development program that is experiencing more than \$500 million in public and private investment and the creation of hundreds of new jobs in the city. For the first time in decades the city's population is growing.

He was elected to the position of President of the Pennsylvania Municipal League (PML) where he still serves as a Past President on the Board of Directors where he was recently elected Second Vice-President. He is an active member of the United States Conference of Mayors and the National League of Cities where he serves on the national Board of Directors and serves as Chairman of the Energy, Environment and Natural Resources Committee.

Mayor Panto earned his Master's Degree from Lehigh University and his Bachelor's Degree from Kutztown University. In May 2011 he was awarded an Honorary Doctorate Degree in Public Service from Lafayette College.



Deputy Mayor Cynthia Pratt (Lacey, WA)
Vice Chair, EENR

Terms: As Deputy Mayor: 2016-2017; 2014-2015; **As Councilmember:** Position #4 - First Term: 2010-2013; Second Term: 2014-2017

Council Committees: Finance & Economic Development; General Government & Public Safety; Land Use

Intergovernmental Boards, Commissions, Agencies: LOTT Board of Directors; Olympic Region Clean Air Agency (ORCAA); Thurston Thrives

Occupation: Retired Environmental Planner, State Department of Natural Resources

Areas of Special Interest: Planned growth; transportation; safe and sustainable communities

Profile: Lacey, Washington

No Hot Issues

Lacey is a small city in Thurston County, just south of Seattle, and located near the State Capitol of Olympia. The city was established as a suburb of Olympia. The population, as of the 2010 census, was 42,393, out of a county population of 252,264.

Lacey was the twelfth city to be designated an official "Green Power Community" by the [[HYPERLINK "https://en.wikipedia.org/wiki/United_States_Environmental_Protection_Agency"](https://en.wikipedia.org/wiki/United_States_Environmental_Protection_Agency)] for its use of [[HYPERLINK "https://en.wikipedia.org/wiki/Renewable_energy"](https://en.wikipedia.org/wiki/Renewable_energy)] sources; 5% of its total energy use comes from green power sources. It is working to meet its [[HYPERLINK "https://en.wikipedia.org/wiki/Alternative_Energy"](https://en.wikipedia.org/wiki/Alternative_Energy)] Initiative, which includes "using 100 percent green electrical energy in all of its municipal buildings, parks, utilities, and 3,000 streetlights and traffic signals; providing electric vehicle [[HYPERLINK "https://en.wikipedia.org/wiki/Charging_station"](https://en.wikipedia.org/wiki/Charging_station)] to visitors and employees at its city hall and library campus; and initiating conversion of its municipal fleet to energy efficient vehicles powered by electricity, hybrid technology, and 80/20 biofuel." In 2009, Lacey's Alternative Energy Fair was honored with the Award of Excellence for Events, Fairs, and Festivals by the Washington Recreation and Park Association. Lacey has received the "Tree City, USA" designation from the [

HYPERLINK "https://en.wikipedia.org/wiki/National_Arbor_Day_Foundation" \o "National Arbor Day Foundation"] for the past eighteen years



Councilmember Hattie Portis-Jones, MPA (Fairburn, GA)

The Honorable Hattie Portis-Jones was elected in November 2013 to a four -year term and inaugurated January 2014. In January 2017, Councilmember Portis-Jones was appointed and unanimously elected Mayor Pro-Tem. Fairburn is located in Fulton County, and has a population of 12,950 (2010 census).

As a member of the City's six- member Legislative Branch Portis-Jones develops policy, enact laws for the well-being of it's over 14,000 citizens and ensures the proper stewardship of its resources. Major accomplishments include: Duncan Park Football and Water Park complex; Downtown Amphitheatre; Farmers Market; Award-winning "Let's Move City" to combat childhood obesity; Employee Wellness Program; City of Fairburn Re-branding; major economic development projects creating hundreds of jobs; an 88 unit active Senior Living Facility; Improved Bond Rating to double A minus (AA-) from Triple B (BBB). Mayor Pro Tem Portis-Jones is a Vice-Chair of the National League of Cities-Energy Environmental and Natural Resources Policy Committee, member of NLC's Constituency Group of Black Elected Officials; National League of Cities University Fellow; Georgia Municipal Association-Federal Policy Committee; and Treasurer, Georgia Municipal Black Caucus.

Mayor Pro Tem Portis-Jones is a veteran public servant who is semi-retired with 25 years of municipal government and non-profit experiences. Over her career, she worked for several large municipalities and non-profit organizations in executive positions of administration, finance, public works and health. She has a Masters Degree in Public Administration from City University of New York-Baruch College, and a Bachelor of Science in Business Administration from Marquette University, Milwaukee, Wisconsin. Mayor Pro-Tem Portis-Jones has achieved the Certificate of Excellence from the Georgia Municipal Association.

Mayor Pro Tem Portis-Jones is a 20-year resident of Fairburn and a member of Fairburn's St. John African Methodist Episcopal Church. The Honorable Portis-Jones is married to Robert H. Jones and share three children and two grandchildren.

No Hot Issues

[PAGE]

Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 3/8/2017 7:33:56 PM
To: Jana Martin [jana@harbertv.com]
Subject: RE: Aaron Harber TV Show 3/8 8:05 am
Attachments: CERA Speech Card EMBARGOED DRAFT.pdf; TOP LINE POINTS.docx

Jana: The Administrator looks forward to this interview tomorrow. I wanted to provide some information in advance to help guide the interview.

Attached are some points highlighting the Administrator's first two weeks on the job as well as his embargoed remarks for tomorrow.

Thank you again and please let me know if you have any questions.

John Konkus
Cell: 202-365-9250

From: Jana Kate [mailto:janakatemartin@gmail.com] **On Behalf Of** Jana Martin
Sent: Wednesday, March 8, 2017 10:51 AM
To: Konkus, John <konkus.john@epa.gov>
Subject: Aaron Harber TV Show 3/8 8:05 am

Dear John,

We are looking forward to seeing the Administrator tomorrow morning at 8:05 am on the third floor of the Hilton Americas. Get off the escalator, go left and we are next to the Skybridge to the Convention Center. If you haven't already seen it, here is our link to the show we did with the President right before the election: HarberTV.com/Trump. Also, here is our show Demo: HarberTV.com/Demo. Please let me know if you have any questions! Thank you, Jana 720-335-1414

Jana Martin

Producer, "The Aaron Harber Show"
HarberTV.com/Demo + HarberTV.com
P: 720-335-1414 + Twitter: [@AaronHarber](https://twitter.com/AaronHarber)
Facebook: [***The Aaron Harber Show***](#)